

Section I Notices of Development of Proposed Rules and Negotiated Rulemaking

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: 9B-3.047
RULE TITLE: State Building Code Adopted
PURPOSE AND EFFECT: To implement § 10 of Chapter 2007-1, Laws of Florida, repealing the alternative wind borne protection provisions, allowing design for internal pressure and the specific provisions applying to areas of the state from Franklin County west.
SUBJECT AREA TO BE ADDRESSED: Wind borne debris protection for construction in the State outside of Miami-Dade and Broward Counties.
SPECIFIC AUTHORITY: 553.73(1), (2), (7) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.
LAW IMPLEMENTED: 553.72, 553.73(2), (3), (7), (9) FS., Sections 21, 32, 33, 34, 36, 44, 46, 48, Chapter 2005-147, Laws of Florida, Section 1, Chapter 2006-65, Laws of Florida, Section 10, Chapter 2007-1, Laws of Florida.
A RULE DEVELOPMENT WORKSHOP WILL NOT BE HELD. THE FLORIDA BUILDING COMMISSION FOUND, BY UNANIMOUS VOTE AT ITS MEETING ON FEBRUARY 7, 2007, THAT A WORKSHOP WAS UNNECESSARY BASED UPON THE EXPLICIT DIRECTION OF THE LEGISLATURE IN SECTION 10, CHAPTER 2007-1, LAWS OF FLORIDA AND THE RESULTING LIMITATION UPON COMMISSION ACTION. THAT ACTION IS MEMORIALIZED, IN WRITING, IN THE MINUTES OF THE MEETING.
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Mo Madani, Planning Manager, Department of Community Affairs, 2555 Shumard Oak Boulevard, Sadowski Building, Tallahassee, Florida 32399-2100, (850)921-2247
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF REVENUE

Miscellaneous Tax

RULE NOS.:	RULE TITLES:
12B-6.001	Scope; Definitions; Index Price
12B-6.0015	Imposition of the Gross Receipts Tax
12B-6.0021	Registration
12B-6.005	Payment of Tax; Reports; Public Use Forms

12B-6.0051	Public Service Tax Reporting Form
12B-6.008	Interest

PURPOSE AND EFFECT: The purpose of the proposed amendments to Rule Chapter 12B-6, F.A.C., Gross Receipts Tax, is to implement the provisions of Sections 203.01 and 203.012, F.S., as amended by Sections 1 and 2, Chapter 2005-148, L.O.F., which, effective January 1, 2006, imposes a tax on utility services delivered to a retail consumer in Florida. When adopted, these proposed changes to Rule Chapter 12B-6, F.A.C., will provide guidelines regarding the Department’s administration of the gross receipts tax imposed by Chapter 203, F.S., as amended by Chapter 2005-148, L.O.F.

The purpose of the substantial rewording of Rule 12B-6.001, F.A.C., is to: (1) change the title to “Scope; Definitions; Index Price”; (2) provide that the rule chapter applies to the tax imposed under Chapter 203, F.S., on utility services delivered to a retail consumer in Florida; (3) define the terms “cost price,” “Department,” “distribution company,” “electricity index price,” “gas index price,” “gross receipts,” “person,” and “utility services” for purposes of the rule chapter; (4) provide that the gross receipts tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price; (5) provide how the Department will announce the annual index prices for electricity and for natural and manufactured gas; (6) provide that the index price applies to electricity only if the transportation of the electricity is sold independent of the sale of the electricity itself; and (7) when the calculation of the tax requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to its existing rate structure.

The purpose of the proposed creation of new Rule 12B-6.0015, F.A.C. (Imposition of the Gross Receipts Tax), is to: (1) provide that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting natural or manufactured gas to retail consumers in Florida; (2) provide how the tax is computed based on the index price; (3) provide that the sale or transportation of natural or manufactured gas to public or private utilities for use as a fuel in the generation of electricity or for resale is not subject to tax and provide guidelines on how to document such sales or charges; (4) provide that the sale or transportation of natural or manufactured gas to persons eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material is not subject to tax and provide guidelines on how to document such sales or charges; (5) provide that the 2.5 percent gross receipts tax is imposed on distribution companies’ gross receipts from the privilege of selling and transporting electricity to retail consumers in Florida and explain how the tax is to be calculated; (6) provide that the tax does not apply to receipts from customers for purposes of resale; (7) provide that receipts from separately itemized charges for the connection, disconnection, suspension, or restoration of utility services are

not subject to tax; (8) provide that receipts from separately itemized fees for returned checks, late payments, and interest due on late payments are not subject to the gross receipts tax; (9) provide that receipts from separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment are not subject to gross receipts tax; (10) provide guidelines on how gross receipts tax is applied to charges for utility services separately itemized to customers as an amount for services based on a standard rate amount with a separate rate adjustment; (11) provide that each and every fee imposed by a political subdivision of the State of Florida that is passed on to the customer as a separately itemized charge is included in the gross receipts subject to tax; (12) provide that any municipal public service tax and any sales tax separately itemized to the customer is not included in the gross receipts subject to tax; (13) provide that the sale or delivery of electricity as part of an electric interchange agreement or contract between utilities is not subject to tax and provide guidelines on how to document such sale or delivery; (14) provide that wholesale sales of electric transmission services and the loss of electricity from the generation, transmission, or distribution of electricity are not subject to tax; (15) provide guidelines regarding any separately itemized charge for gross receipts tax on a customer's bill, invoice, statement, or other evidence of sale; (16) provide guidelines on the imposition of use tax on natural or manufactured gas imported into Florida for which the Florida gross receipts tax has not been paid; (17) provide guidelines on how to document sales of utility services for purposes of resale; and (18) provide recordkeeping requirements for taxpayers who sell or deliver utility services. The purpose of the proposed amendments to Rule 12B-6.0021, F.A.C. (Registration), is to provide that prior to engaging in the business of selling, transporting, delivering, or importing utility services in Florida, every person is required to register with the Department.

The purpose of the proposed amendments to Rule 12B-6.005, F.A.C. (Payment of Tax; Reports; Public Use Forms), is to: (1) replace the term "utility provider" with the term "taxpayer"; (2) provide guidelines for when taxpayers may elect to pay the gross receipts tax on total billings for electricity each month or on the actual gross receipts for electricity received in that month; (3) remove obsolete provisions regarding the filing of an application for refund; (4) provide that persons engaged in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year or post such list on a publicly-accessible Internet web site; and (5) update information on how to obtain Form DR-133, Gross Receipts Tax Return, from the Department.

The purpose of the proposed amendments to Rule 12B-6.0051, F.A.C. (Public Service Tax Reporting Form), is to update information on how to obtain Form DR-700001, Municipal Public Service Tax Data Base, from the Department.

The purpose of the proposed amendments to Rule 12B-6.008, F.A.C. (Interest), is to provide that interest shall not exceed one percent per month and to remove obsolete provisions regarding interest for payments due prior to January 1, 2000.

SUBJECT AREA TO BE ADDRESSED: The subject of this rule development workshop is the proposed guidelines regarding the gross receipts tax imposed on utility services by Chapter 203, F.S., as amended, by Chapter 2005-148, L.O.F., and effective January 1, 2006.

SPECIFIC AUTHORITY: 166.233, 203.01(3)(a)2., 213.06(1) FS.

LAW IMPLEMENTED: 166.233, 203.01, 203.06, 203.012, 213.235, 213.255(1), (2), (3), 213.37, 215.26 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 15, 2007, 1:30 p.m.

PLACE: Room 118, Carlton Building, 501 South Calhoun Street, Tallahassee, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Larry Green at (850)922-4830. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Robert Babin, Deputy Director, Technical Assistance and Dispute Resolution, Department of Revenue, P. O. Box 7443, Tallahassee, Florida 32314-7443, telephone (850)922-4842

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

(Substantial Rewording of Rule 12B-6.001 follows. See Florida Administrative Code for present text.)

12B-6.001 ~~Scope; Definitions; Index Price Imposition of the Gross Receipts Tax.~~

(1) SCOPE. This rule chapter applies to the tax imposed by Chapter 203, F.S., on utility services delivered to a retail consumer in Florida.

(2) DEFINITIONS. For purposes of this rule chapter:

(a) "Cost price" means the actual cost of articles of tangible personal property without any deductions therefrom on account of the cost of materials used, labor or service costs, transportation charges, or any expenses whatsoever.

(b) "Distribution company" means any person owning or operating local electric or natural or manufactured gas utility distribution facilities within this state for the transmission, delivery, and sale of electricity or natural or manufactured gas.

The term does not include natural gas transmission companies that are subject to the jurisdiction of the Federal Energy Regulatory Commission.

(c) "Department" means the Florida Department of Revenue.

(d) "Electricity index price" means the applicable residential, industrial, or commercial price per kilowatt hour for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Electric Power Monthly.

(e) "Gas index price" means the applicable residential, industrial, or commercial price per 1,000 cubic feet for retail consumers in Florida in the previous calendar year, as published in the United States Energy Information Administration Natural Gas Monthly.

(f) "Gross receipts" means the total payments received in money, goods, services, or other consideration.

(g) "Person" includes any individual, firm, copartnership, joint adventure, association, corporation, estate, trust, business trust, receiver, syndicate, or other group or combination acting as a unit and also includes any political subdivision, municipality, state agency, bureau, or department and includes the plural as well as the singular number.

(h) "Utility services" means electricity for light, heat, or power; and natural or manufactured gas for light, heat, or power, including transportation, delivery, transmission, and distribution of the electricity or natural or manufactured gas. This paragraph does not broaden the definition of utility service to include separately stated charges for tangible personal property or services which are not charges for the electricity or natural or manufactured gas or the transportation, delivery, transmission, or distribution of electricity or natural or manufactured gas. Liquefied petroleum gas is sold in liquid form and transformed into gas when released from the container to be used for fuel. The term "utility services" does not include liquefied petroleum gas.

(3) INDEX PRICE. The calculation of the tax imposed on certain utility services delivered to a retail consumer in Florida is based on an index price.

(a) The Department will announce the residential, commercial, and industrial index prices for electricity and for natural and manufactured gas on June 1 of each year through issuance of a Taxpayer Information Publication and by posting the rates on the Department's Internet web site located on the Internet at www.myflorida.com/dor/taxes. The index prices announced by the Department on June 1 will be effective from the following July 1 through June 30, and will apply to any bill dated on or after July 1 in the year in which the change becomes effective.

(b) The index prices for electricity only apply if the transportation of electricity is sold independent of the sale of the electricity itself. If electricity is sold to a retail consumer in Florida for a price that includes both a charge for the electricity and a charge for the transportation of the electricity, the tax imposed by Chapter 203, F.S., is calculated by using the distribution company's gross receipts, rather than through use of an index price.

(c) When the calculation of the tax imposed on utility services delivered to a retail consumer in Florida requires the use of an index price, the distribution company must use a reasonable methodology to apply the residential, commercial, and industrial classifications to their existing rate structure.

Specific Authority ~~203.01(3)(b)~~; 213.06(1) FS. Law Implemented 203.01, 203.012, ~~213.37~~ FS. History—New 11-13-78, Amended 6-5-85, Formerly 12B-6.01, Amended 10-4-89, 1-8-90, 5-4-03, _____.

12B-6.0015 Imposition of the Gross Receipts Tax.

(1) NATURAL OR MANUFACTURED GAS.

(a) A tax is imposed at the rate of 2.5 percent on distribution companies' gross receipts from the privilege of selling or transporting natural or manufactured gas to a retail consumer in this state. The gross receipts tax on the sale or transportation of natural or manufactured gas is calculated as follows: $(\text{number of cubic feet of gas sold or transported}) \div 1,000 \times (\text{the applicable gas index price}) \times (2.5 \text{ percent})$.

(b) The tax imposed in paragraph (1)(a) does not apply to:

1. Subject to the documentation requirements outlined in subsection (5), the sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association for resale.

2. The sale or transportation of natural or manufactured gas to a public or private utility, including a municipal corporation, or agency thereof, or rural electric cooperative association for use as a fuel in the generation of electricity. Distribution companies may document this exclusion from tax by obtaining a certification from public or private utilities that purchase transportation of natural or manufactured gas for use as a fuel in the generation of electricity. The following is a suggested format of a certification to be issued by a public or private utility to a natural or manufactured gas distribution company:

CERTIFICATION

NATURAL OR MANUFACTURED GAS PURCHASED FOR USE AS FUEL TO GENERATE ELECTRICITY

This is to certify that I have purchased natural or manufactured gas for use as a fuel in the generation of electricity.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

 Purchaser's Name (Print or Type) Date

 Signature of Authorized Person Title

 Federal Employer Identification Number (FEI No.)

3. The sale or transportation to, or use of, natural or manufactured gas by any person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material. Possession by a seller of natural or manufactured gas or by any person providing transportation or delivery of natural or manufactured gas of a written certification by the purchaser, certifying the purchaser's entitlement to the exclusion permitted by this paragraph, relieves the seller or person providing transportation or delivery from the responsibility of remitting tax on the nontaxable amounts. The Department shall look solely to the purchaser for recovery of such tax if the Department determines that the purchaser was not entitled to the exclusion. The certification must include an acknowledgment by the purchaser that it will be liable for tax pursuant to Section 203.01(1)(f), F.S., if the requirements for exclusion are not met. The following is a suggested format of a certification to be issued by a manufacturer to a natural or manufactured gas distribution company:

CERTIFICATION

NATURAL OR MANUFACTURED GAS PURCHASED BY A PERSON ELIGIBLE FOR EXEMPTION UNDER INDUSTRIAL CLASSIFICATIONS IN SECTION 212.08(7)(ff)2., F.S.

This is to certify that I have purchased natural or manufactured gas for use as an energy source or raw material that is excluded from tax pursuant to Section 203.01(3)(d), Florida Statutes.

I certify that the applicable purchases were made by a company whose four-digit SIC Industry Number, as listed below, is classified under SIC Industry Major Group Number 10, 12 through 14, 20, or 22 through 39 or Group Number 212 in the Standard Industrial Classification (SIC) Manual, 1987, published by the Office of Management and Budget.

I acknowledge that I will be liable for tax pursuant to Section 203.01(1)(f), Florida Statutes, if the requirements for exclusion pursuant to Section 203.01(3)(d), Florida Statutes, are not satisfied.

I understand that if such purchases of natural or manufactured gas do not qualify for the exclusion as indicated on this certification, I must pay the applicable tax directly to the Department of Revenue.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

 Purchaser's Name (Print or Type) Date

 Signature of Authorized Person Title

 Federal Employer Identification Number (FEI No.)

(2) ELECTRICITY.

(a) A tax is imposed at the rate of 2.5 percent on a distribution company's gross receipts from the privilege of selling electricity that is delivered to a retail consumer in this state when the charge to the consumer includes charges for both the electricity and the transportation of the electricity. Tax imposed pursuant to this subparagraph is calculated by multiplying the distribution company's gross receipts by 2.5 percent.

1. The tax imposed in paragraph (2)(a) does not apply to:

a. Receipts from customers for separately itemized charges for the connection, disconnection, suspension, or restoration of electricity;

b. Receipts from customers for separately itemized charges for returned checks or other forms of payment, late payments, or interest due on late payments;

c. Receipts from customers for separately itemized charges for the sale, lease, rental, repair, or maintenance of customer premises equipment.

2.a. When charges for utility services are separately itemized as an amount for services based on a standard rate amount with a separate rate adjustment on the same billing, invoice, statement, or other evidence of sale for services, gross receipts tax is due on the receipts for utility services after the application of the rate adjustment.

b. Example: A customer purchases electricity from an electric utility under an energy management program. The customer is billed the standard residential rate. In addition, the customer receives load management monthly credits for allowing specified electrical equipment to be interrupted at the option of the electric utility. The charge for electric service after the load management credits are applied against the charge at the standard residential rate is the amount subject to the gross receipts tax.

c. Example: A customer purchases electricity from an electric utility at the standard residential service rate. The electric utility charges each residential customer in this rate class an additional energy cost recovery factor, called "energy charges," on a per kilowatt hour basis. The customer is billed for electricity at the standard residential rate, plus the

applicable energy charges. The amount charged to the customer at the standard residential rate, plus the amount of the energy charges, is the amount subject to the gross receipts tax.

3. Each and every fee imposed by a political subdivision of the State of Florida on the distribution company, such as a franchise fee, is included in the charge upon which the gross receipts tax is computed, when the fees are passed on to the customer and separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

4. Any municipal public service tax imposed under Section 166.231 or 166.232, F.S., or any sales tax imposed under Chapter 212, F.S., on the sale or purchase of electric power or energy is not included in the charge upon which the gross receipts tax is computed when the municipal tax or sales tax is separately itemized on a customer's bill, invoice, statement, or other evidence of sale.

(b) Each distribution company that receives payment for the delivery of electricity to a retail consumer in this state is subject to tax on the exercise of this privilege as provided by this paragraph, unless the payment is subject to tax under paragraph (a). Under this paragraph, the gross receipts tax on the delivery of electricity is calculated as follows: (number of kilowatt hours delivered) × (the applicable electricity index price) × (2.5 percent).

(c) The tax imposed in paragraphs (2)(a) and (b) does not apply to:

1. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, for resale subject to the documentation requirements outlined in subsection (5):

2. The sale or delivery of electricity to a public or private utility, including a municipal corporation or agency thereof, or rural electric cooperative association, as part of an electric interchange agreement or contract between such utilities for the purpose of transferring more economically generated power.

a. The electric utility is required to maintain a copy of the agreement or contract in its books and records and is not required to meet the provisions of this rule regarding sales for resale.

b. The internal use, including interdepartmental transfers, of the purchased power is not subject to tax.

3. Wholesale sales of electric transmission service.

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(3) SEPARATELY ITEMIZED CHARGES. A distribution company may wholly or partially separately itemize the gross receipts tax on the customer's bill, invoice, statement, or other evidence of sale. However, the gross receipts tax is imposed on

the privilege of doing business, and it is an item of cost to the distribution company. The distribution company remains fully and completely liable for the payment of the tax, even when the tax is wholly or partially separately itemized on the customer's bill, invoice, statement, or other evidence of sale. When the tax is wholly or partially separately itemized, every person, including governmental units and charitable and religious organizations, is liable for the payment of the tax to the distribution company.

(4) USE TAX.

(a) Gross receipts tax is levied upon a person's cost price of electricity, or natural or manufactured gas, imported into this state or severed within this state for the person's own use or consumption as a substitute for purchasing utility, transportation, or delivery services taxable under Chapter 203, F.S., and who cannot demonstrate payment of the tax imposed by Chapter 203, F.S. The tax imposed pursuant to this paragraph is calculated by multiplying the cost price of the utility service by 2.5 percent.

(b) The tax levied pursuant to paragraph (4)(a) does not apply to:

1. The use of natural gas in the production of oil or gas, or the use of natural or manufactured gas by a person transporting natural or manufactured gas, when used and consumed in providing such services;

2. The use of natural gas or manufactured gas by a person eligible for an exemption under Section 212.08(7)(ff)2., F.S., for use as an energy source or a raw material;

3. The use of natural gas or manufactured gas by a public or private utility as fuel in the generation of electricity; or

4. The loss of electricity resulting from the generation, transmission, or distribution of electricity, including line losses, generation losses, and any other losses for which charges are not made to the electric utility's customers.

(5) SALES FOR RESALE. The sale, transportation, or delivery of utility services for resale is only exempt from the tax imposed under Chapter 203, F.S., if the sale, transportation, or delivery is documented in strict compliance with this rule. Distribution companies must document sales for resale by obtaining resale certificates from customers who purchase transportation, delivery, or utility services for the purposes of resale. The distribution company is only required to obtain one certificate for sales made for the purposes of resale from each customer making purchases for the purposes of resale. The certificate must contain the purchaser's name and address, the purchaser's gross receipts tax registration number and its effective date, a statement that the purchases are for the purpose of resale, the signature of the purchaser or an authorized representative of the purchaser, and the date of issuance. The following is a suggested format of a resale certificate:

**RESALE CERTIFICATE FOR GROSS RECEIPTS TAX
ON UTILITY SERVICES**

This is to certify that the electricity for light, heat, or power or the natural or manufactured gas for light, heat, or power purchased after _____ (date) from _____ (seller's name) is purchased for the purpose of resale pursuant to Chapter 203, F.S.

I understand that if I fraudulently issue this certificate to evade the payment of gross receipts tax I will be liable for payment of the tax directly to the Department and subject to the penalties imposed under Section 203.03(2), F.S.

I understand that I must disclose to the seller, or remit tax on, any purchase not for resale when tax was not paid to the seller and/or distribution company.

Under penalties of perjury, I declare that I have read the foregoing certificate and the facts stated herein are true.

Purchaser's Name _____

Purchaser's Address _____

Name and Title of Purchaser's Authorized Signature _____

Certificate of Registration Number _____

Effective Date of Registration _____

By _____ (authorized signature)

Date _____

(6) RECORDKEEPING REQUIREMENTS. Distribution companies that sell, transport, or deliver utility services to retail consumers in Florida and taxpayers that import utility services into Florida for their own use must maintain electrical interchange agreements or contracts, resale certificates, exemption certificates, and other documentation required under the provisions of this rule chapter in their books and records until tax imposed under Chapter 203, F.S., may no longer be determined and assessed under Section 95.091, F.S. Electronic storage of required documentation through the use of imaging, microfiche, or other electric storage media will satisfy compliance with recordkeeping requirements.

Specific Authority 203.01(3)(a)2., 213.06(1) FS. Law Implemented 203.01, 203.012, 213.37 FS. History—New _____.

12B-6.0021 Registration.

(1) Prior to engaging in the business of ~~providing or selling, transporting, delivering, or importing~~ utility services, as ~~provided in Rule 12B-6.001, F.A.C.~~, every person, distribution company, or other entity upon which the gross receipts tax is imposed is required to register with the Department.

(2) Registration with the Department for gross receipts tax purposes is available by using one of the following methods:

(a) Registering through the Department's Internet web site at the address shown inside the parentheses (~~www.myflorida.com/dor/~~) using the Department's "e-Services" system located on the Department's Internet site at www.myflorida.com/dor; or

(b) Filing an Application to Collect and/or Report Tax in Florida (~~Form form~~ DR-1, incorporated by reference in Rule 12A-1.097, F.A.C.), with the Department as indicated on the form.

Specific Authority 203.01, 213.06(1) FS. Law Implemented 203.01 FS. History—New 6-5-85, Formerly 12B-6.021, Amended 5-4-03, _____.

12B-6.005 Payment of Tax; Reports; Public Use Forms.

(1)(a) Except as provided in Rule Chapter 12-24, F.A.C., and paragraph (c) below, all taxes imposed on utility services are reported to the Department on Form DR-133, Gross Receipts Tax Return (R. 01/06, hereby incorporated by reference, effective _____) and are due to the Department on or before the last day of the month following the date of the sale or transaction. The payment and return must either reach the Department or be postmarked on or before the last day of the month for receipts for utility services received in the preceding calendar month for a taxpayer utility provider to avoid penalty and interest for late filing. When the last day of the month falls on a Saturday, Sunday, or a legal holiday, payments accompanied by returns will be accepted as timely if postmarked or delivered to the Department on the next succeeding day that is not a Saturday, a Sunday, or a legal holiday. A tax return is required to be filed on or before the last day of each month even when no tax is due. The report is required to be signed by an officer or a representative duly authorized to act by the taxpayer. For this purpose, a legal holiday means a holiday that is observed by federal or state agencies as a legal holiday as this term is defined in Chapter 683, F.S., and Section 7503 of the 1986 Internal Revenue Code, as amended. A "legal holiday" pursuant to Section 7503 of the Internal Revenue Code of 1986, as amended, means a legal holiday in the District of Columbia or a statewide legal holiday at a location outside the District of Columbia but within an internal revenue district.

(b) When quarterly, semiannual, or annual reporting is authorized by the Department pursuant to Section 203.01(1)(~~j~~)(~~f~~), F.S., the tax is due on or before the last day of the month following the authorized reporting period and becomes delinquent on the first day of the next succeeding month.

(c) Payments and returns for reporting tax must be submitted to the Department, as provided in Rule Chapter 12-24, F.A.C., when:

1. Payment of the tax is required to be made by electronic means;

2. Any return for reporting tax is required to be submitted by electronic means; or

3. No tax is due with a return for reporting tax.

(d)1. For taxes levied pursuant to paragraph (2)(a) of Rule 12B-6.0015, F.A.C., the taxpayer may elect to pay the gross receipts tax on total billings for electricity utility services for each month or on the actual gross receipts for electricity utility services received in that month.

2. When the taxpayer utility provider elects to pay gross receipts tax on total billings for electricity utility services, the taxpayer provider may take a credit for net uncollectibles for which gross receipts tax has been previously paid to the Department. The credit must be reported on the provider's return in accordance with the timing provisions of Section 215.26(2), F.S.

3. In lieu of a credit for net uncollectibles, the taxpayer provider may seek a refund of tax previously paid by filing an Application for Refund (Form ~~form~~ DR-26, incorporated by reference in Rule 12-26.008, F.A.C.) with the Department. The application for refund must be filed in accordance with the timing provisions of Section 215.26(2), F.S., and must meet the requirements of Sections 213.255(2) and (3), F.S., and Rule 12-26.003, F.A.C.

4.a. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after October 1, 1994, and prior to July 1, 1999, within 5 years after the date the tax was paid. Credits for tax paid on or after October 1, 1994, and prior to July 1, 1999, must be reported on the provider's return within 5 years after the date the tax was paid.

4.b. Form DR-26, Application for Refund, must be filed with the Department for tax paid on or after July 1, 1999, within 3 years after the date the tax was paid. Credits for tax paid on or after July 1, 1999, must be reported on the provider's return within 3 years after the date the tax was paid.

(e) Copies of Form DR-133, Gross Receipts Tax Return, are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor/forms; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) visiting any local Department of Revenue Service Center to personally obtain a copy. Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

(2) Persons who engage in the transportation of natural or manufactured gas must provide the Department with a list of customers to whom transportation services were provided in the prior year. A person may satisfy the customer-reporting requirement by: 1) providing a written list of customers to the Department; or 2) maintaining a publicly-accessible customer list on the person's Internet web site. The person must provide

the written list of customers or the Internet address of the publicly-accessible Internet web site by January 31 of each year to GTA Miscellaneous Tax Coordinator, c/o GTA Program Director, Florida Department of Revenue, 5050 W. Tennessee Street, Bldg D-1, Tallahassee, Florida 32399-0100. Persons who choose to satisfy the customer-reporting requirement by posting a list of customers on a publicly-accessible Internet web site must update the list by January 31 of each year. This reporting requirement does not apply to distribution companies. Any person required to furnish such a list may elect to identify only those customers who take direct delivery without purchasing interconnection services from a distribution company.

(2)(a) ~~The following public-use forms and instructions are employed by the Department in its dealings with the public related to the administration of utility services. These forms are hereby incorporated by reference in this rule.~~

(b) ~~Copies of these forms are available, without cost, by one or more of the following methods: 1) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 2) faxing the Distribution Center at (850)922-2208; or, 3) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 4) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 5) downloading selected forms from the Department's Internet site at the address shown inside the parentheses (www.myflorida.com/dor). Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.~~

Form Number	Title	Effective Date
(3)DR-133	Gross Receipts Tax Return (R-06/04)	-09/04

~~Specific Authority 213.06(1) FS. Law Implemented 203.01, 203.012, 213.255(1), (2), (3), 213.37, 215.26 FS. History—New 11-13-78, Amended 7-1-80, 8-26-81, Formerly 12B-6.05, Amended 10-4-89, 12-19-89, 5-4-03, 9-28-04.~~

12B-6.0051 Public Service Tax Reporting Form.

(1)(a) The public-use form provided in this rule is to be utilized by each municipality or charter county to report to the Department services taxed under Sections 166.231 and 166.232, F.S., and to report any other required information. The public-use form is employed by the Department for this purpose, and it is hereby incorporated in this rule by reference.

(b) Copies of this form are available, without cost, by one or more of the following methods: 1) downloading selected forms from the Department's Internet site at www.myflorida.com/dor; or, 2) faxing a forms request to the Distribution Center at (850)922-2208; or, 3) calling the Distribution Center at (850)488-8422; or, 4) writing the Florida Department of Revenue, Distribution Center, 168A Blountstown Highway, Tallahassee, Florida 32304; or, 5) 2) faxing the Distribution Center at (850)922-2208; or, 3) using a

~~fax machine telephone handset to call the Department's automated Fax on Demand system at (850)922-3676; or, 4) visiting any local Department of Revenue Service Center to personally obtain a copy; or, 5) calling the Forms Request Line during regular office hours at (800)352-3671 (in Florida only) or (850)488-6800; or, 6) downloading selected forms from the Departments Internet site at the address shown inside the parentheses (www.myflorida.com/dor).~~ Persons with hearing or speech impairments may call the Department's TDD at (800)367-8331.

Form Number	Title	Effective Date
(2) DR-700001	Municipal Public Service Tax Database Report (R. 10/01)	05/03

Specific Authority 166.233, 213.06(1) FS. Law Implemented 166.233 FS. History--New 4-5-98, Amended 5-4-03,_____.

12B-6.008 Interest.

(1) Interest shall accrue at the following rate:

~~(a) One percent per month (prorated dialing using the daily factor of .000328767) for payments due prior to January 1, 2000.~~

~~(b) For payments due on or after January 1, 2000, the rate of interest established pursuant to Section 213.235, F.S., and Rule 12-3.0015, F.A.C. (prorated daily), not to exceed one percent per month.~~

(2) Interest accrues from the date of the delinquency until paid.

Specific Authority 213.06(1) FS. Law Implemented 203.06, 213.235 FS. History--New 11-13-78, Amended 6-5-85, Formerly 12B-6.08, Amended 10-4-89, 4-2-00, 5-4-03,_____.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF CORRECTIONS

RULE NO.: 33-208.003
 RULE TITLE: Range of Disciplinary Actions
 PURPOSE AND EFFECT: The purpose and effect of the proposed rule is to amend the rule to renumber the offense of excessive absenteeism and impose a range of penalties to include written reprimand, up to 30 days of suspension or dismissal.
 SUBJECT AREA TO BE ADDRESSED: Employee disciplinary actions.
 SPECIFIC AUTHORITY: 944.09 FS.
 LAW IMPLEMENTED: 944.09, 944.14, 944.34, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Dorothy M. Ridgway, 2601 Blair Stone Road, Tallahassee, Florida 32399-2500

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

33-208.003 Range of Disciplinary Actions.

Violations of the foregoing Rules of Conduct as well as other departmental, and institutional policies will result in disciplinary actions, which may be by oral reprimand, written reprimand, reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion or dismissal.

Any employee who feels that unjust disciplinary action such as an oral or written reprimand has been given, has the right to submit a grievance as established by the grievance procedures of the Department of Corrections. For disciplinary actions involving reassignment, transfer in excess of 50 miles, suspension, reduction in pay, demotion, or dismissal, permanent Career Service employees have the right to appeal to the Career Service Commission. Violation of more than one rule shall be considered in the application of discipline and may result in greater discipline than specified for one offense alone.

Any questions regarding these rules and personnel procedures should be referred to the employee's circuit administrator, warden or Personnel Manager.

The preceding section titled Rules of Conduct and the following list of offenses and work deficiencies with their ranges of disciplinary actions will be used by this Department in administering an effective disciplinary program.

THE SEVERITY OF PENALTIES MAY VARY DEPENDING UPON THE FREQUENCY AND NATURE OF A PARTICULAR OFFENSE AND THE CIRCUMSTANCES SURROUNDING EACH CASE. WHILE THE FOLLOWING GUIDELINES ARE NOT A SUBSTITUTE FOR IMPARTIAL SUPERVISION AND EFFECTIVE MANAGEMENT, AND DO NOT SET ABSOLUTE MINIMUM AND MAXIMUM PENALTIES, IT IS EXPECTED THAT ALL SUPERVISORS WILL CONSIDER THEM IN REACHING DISCIPLINARY DECISIONS.

Offense or Deficiency	First Occurrence	Second Occurrence	Third Occurrence	Fourth Occurrence
(1) Gambling	Oral or Written Reprimand or up to 10 days Suspension	Written Reprimand or up to Dismissal	Up to 30 days Suspension	Dismissal
(2) Horseplay or Fighting	Same	Same	Same	Same
(3) Loafing	Same	Same	Same	Same
(4) Tardiness (With a 2-month period)	Same	Same	Same	Same
(5) Excessive Absenteeism	Same	Same	Same	Same
(5)(6) Malicious Use of Profane or Abusive Language Toward Inmates, Visitors, or Persons Under Supervision	Same	Same	Same	Same
(6)(7) Absence Without Authorized Leave	Same	Same	Same	Same
(7)(8) Unauthorized Distribution of Written or Printed Material of any Description	Same	Same	Same	Same
(8)(9) Unauthorized Solicitations or Sales on DC Premises or While on Duty	Same	Same	Same	Same
(9)(10) Substandard Quality and/or Quantity of Work	Same	Same	Same	Same
(10)(11) Reporting to Work Improperly Dressed for Job Assignment	Same	Same	Same	Same
(11)(12) Sleeping on Job	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal		
(12)(13) Negligence	Same	Same		
(13)(14) Revealing Confidential Information in DC records to unauthorized person	Same	Same		
(14)(15) Possession of an Unauthorized Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, Central nervous system stimulant, Weapon or Firearm on DC Property	Same	Same		
(15*)(16*) Reporting to Work under the Influence of an Intoxicant, Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant	Same	Same		
(16*)(17*) Drinking an Intoxicant or using a Narcotic, Barbiturate, Hallucinogenic drug, or Central nervous system stimulant on the job	Same	Same		

*The Governor and Cabinet by Resolution adopted July 17, 1973, have established the State Policy on Alcoholism which recognized alcoholism as treatable illness, a medical and public health problem and an employment problem. When an employee drinks to the extent that it affects his or her work performance, the employee is a problem drinker. As with any health liability, alcoholism is of serious concern to the employee and employer alike. Therefore, it is the policy of this

state to recognize alcoholism as a disease. The Career Service Personnel Rules and Regulations (Rule 60K-4.010, F.A.C.) requires that a dismissal action taken against an employee for habitual drunkenness shall be in accordance with the State Policy on Alcoholism as adopted by the Administration Commission and the guidelines issued by the Secretary of Administration.

(17)(18) Failure to maintain direct (sight) supervision of assigned medium, close or maximum custody inmates while outside the institution security perimeter	Written Reprimand, up to 30 days of Suspension or Dismissal	Dismissal
(18) Excessive Absenteeism	Same	Same
(19) Leaving the Assigned Work Station without Authorization	Same	Same
(20) Use of Corporal Punishment, Verbal or Physical Abuse of an Inmate	Same	Same
(21) Falsification of Forms or Records	Same	Same
(22) Conduct Unbecoming a Public Employee	Same	Same
(23) Stealing DC Property, Property of an Inmate Visitor or Employee	Same	Same
(24) Willful Violation of Rules, Regulations, Directives or Policy Statements	Same	Same
(25) Unauthorized Use of DC Equipment or Property	Same	Same
(26) Insubordination	Same	Same
(27) Destruction or Abuse of DC Property or Equipment	Same	Same
(28) Destruction of Evidence or Giving False Testimony	Written Reprimand, up to 30 days Suspension or Dismissal	Dismissal
(29) Unlawfully Obtaining Money from or on behalf of an Inmate or Person under Supervision	Same	Same
(30) Failure to Report and Turn in Without Delay all Property Found, Seized, or Taken Officially	Same	Same
(31) Failure to Submit to a Required Physical Exam	Same	Same
(32) Failure to follow Oral or Written Instructions	Same	Same
(33) Abuse of Sick Leave Privileges	Same	Same
(34) Careless or Unsafe Handling of Firearms or Other Weapons	Same	Same
(35) Cowardice	Same	Same

Specific Authority ~~20.315, 944.09, 945.21~~ FS. Law Implemented 944.09, 944.14, ~~944.34~~, 944.35, 944.36, 944.37, 944.38, 944.39, 944.47, ~~945.14, 945.15, 945.21~~ FS. History—New 10-8-76, Formerly 33-4.03, Amended 1-30-96, Formerly 33-4.003, Amended

Water Management District and Florida Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S.

SUBJECT AREA TO BE ADDRESSED: These proposed amendments will address items incorporated by reference and will update all relevant terminology.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113, 373.118, 373.171, 373.415, 373.421, 373.461 FS.

LAW IMPLEMENTED: 373.046, 373.118, 373.413, 373.4135, 373.415, 373.416, 373.421, 373.426, 373.461 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NO.: 40B-400.091
 RULE TITLE: Publications and Agreements Incorporated by Reference

PURPOSE AND EFFECT: The purpose of the rule development is to update this section of Chapter 40B-400, Florida Administrative Code, to adopt the most current version of the item incorporated by reference. The effect of the proposed rule amendments will incorporate by reference a revised Operating Agreement between the Suwannee River

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

WATER MANAGEMENT DISTRICTS

South Florida Water Management District

RULE NO.: 40E-63.432
 RULE TITLE: Permit Modifications, Transfers and Renewals

40E-63.434 Permit Duration

PURPOSE AND EFFECT: Pursuant to paragraph 40E-63.460(3)(d), F.A.C., the South Florida Water Management District is required to revise Part IV of Chapter 40E-63 to ensure that the objectives of the Everglades Forever Act, Section 373.4592(4)(f)5., F.S., are met when the C-139 Basin is found to be out of compliance for a fourth time. To allow time for the District to revise these rules, it is necessary to extend the duration of the existing permits issued under Part IV of Chapter 40E-63, F.A.C., until such time as the new rules and criteria are adopted and effective.

SUBJECT AREA TO BE ADDRESSED: Duration of permits issued in the C-139 Basin under Part IV of Chapter 40E-63, F.A.C.

SPECIFIC AUTHORITY: 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS.

LAW IMPLEMENTED: 373.085, 373.4592 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 14, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: South Florida Water Management District Headquarters, Storch Room, 3301 Gun Club Road, West Palm Beach, FL 33406

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk’s Office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Jose Gomez, Staff Engineer, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416 4680, telephone 1(800)432-2045, extension 2718 or (561)682-2718, email: jgomez@sfwmd.gov. For procedural issues: Joyce Rader,

Paralegal, South Florida Water Management District, P. O. Box 24680, West Palm Beach, FL 33416-4680, 1(800)432-2045, extension 6259, or (561)682-6259, email: jrader@sfwmd.gov

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

40E-63.432 Permit Modifications, Transfers and Renewals.

(1) through (2) No change.

(3) A permittee shall apply for a permit renewal prior to the expiration of an existing permit, subject to the following requirements and limitations:

(a) No change.

~~(b) Permit renewals will be effective for 5 years from the date of issuance.~~

~~(b)(e)~~ When timely application is made for a modification or renewal, the existing permit shall not expire until final agency action is taken by the District on the application. If the permit is denied or the pending approved permit conditions are modified from the previous issuance, the existing permit shall not expire until the last day for seeking review of the District order, or until any resulting legal proceedings are completed.

~~(c)(d)~~ If the permittee allows the permit to expire prior to applying for a permit renewal, an application for a new permit shall be required.

(4) No change.

Specific Authority 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS. Law Implemented 373.085, 373.4592 FS. History–New 1-24-02, Amended.

40E-63.434 Permit Duration.

Pursuant to the EFA, Section 373.4592(4)(f)2., F.S., new permits or permit renewals issued pursuant to this Part are valid for a 5-year term, unless:

(1) through (3) No change.

(4) A permit application for a new permit or a permit renewal has been filed by a permittee on a timely basis prior to the expiration date of a previously-issued permit, and the District has not completed review of the application, in which case the previously-issued permit will remain effective until final agency action is taken by the District on the application; or

(5)(a) The District has begun rulemaking pursuant to paragraph 40E-63.460(3)(d), F.A.C., prior to the expiration of previously-issued permits.

(b) If the District has begun rulemaking pursuant to paragraph 40E-63.460(3)(d), F.A.C., by publishing a Notice of Rule Development as required by Section 120.54(2)(a), F.S., the expiration dates of existing permits under this Part shall be extended automatically for an initial 1 year term. If, after the 1 year term, the revised rules are not effective, existing permits shall be extended automatically for 6 month terms until such

time as the revised rules are effective. Once the revised rules are effective, the permit expiration date shall be 90 days from that effective date.

Specific Authority 373.044, 373.083, 373.085, 373.086, 373.113, 373.4592 FS. Law Implemented 373.085, 373.4592 FS. History—New 1-24-02, Amended.

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-4.002
 RULE TITLE: Medicaid Provider Reimbursement Schedule

PURPOSE AND EFFECT: Rule 59G-4.002, F.A.C., incorporates by reference the Florida Medicaid Provider Reimbursement Schedule, January 2007. The reimbursement schedule contains the procedure codes and maximum fees that are effective January 2007 for the following provider types whose fees are based on a resource-based relative value scale: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric, outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

SUBJECT AREA TO BE ADDRESSED: Medicaid Provider Reimbursement.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.905, 409.906, 409.908 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Wednesday, March 14, 2007, 3:00 p.m.
 PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
 THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Ouida Mazzoccoli, Bureau of Medicaid Services, 2727 Mahan Drive, Mail Stop 20, Tallahassee, Florida 32308, (850)922-7351, mazzocco@ahca.myflorida.com

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

59G-4.002 Medicaid Provider Reimbursement Schedule.

Medicaid providers who provide the following services and their billing agents who submit claims on behalf of an enrolled Medicaid provider must be in compliance with the provisions of the Florida Medicaid Provider Reimbursement Schedule, January 2007 2006, errata January 2006, updated July 2006, which is incorporated by reference: advanced registered nurse practitioner, birth center, chiropractic, dental, hearing, independent laboratory, licensed midwife, optometric,

outpatient hospital laboratory, physician, physician assistant, podiatry, portable x-ray, registered nurse first assistant, and visual.

Specific Authority 409.919 FS. Law Implemented 409.905, 409.906, 409.908 FS. History—New 8-18-05, Amended 11-30-05, 4-16-06, 10-11-06,_____.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-3.004
 RULE TITLE: Issuance of Registration or Certification

PURPOSE AND EFFECT: To establish standards for the issuance of certification.

SUBJECT AREA TO BE ADDRESSED: Issuance of Certification.

SPECIFIC AUTHORITY: 475.613(2), 475.614, 475.6171 FS.

LAW IMPLEMENTED: 475.6171 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT IS: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS:

61J1-3.004 Issuance of Certification.

Any applicant requesting the issuance of his or her certification shall submit an application after completing the required education and experience components and shall submit to the Board the following in order for the applicant's certification to be issued:

(1) Have completed and submitted an application for certification in the manner prescribed by Rule 61J1-3.001, F.A.C. that demonstrates compliance with qualifications for certification as specified in Section 475.615, F.S.;

(2) Provide the Board with proof of successful completion of the education component as specified in Section 475.617, F.S. and as further defined in Rule 61J1-4.001, F.A.C. The education component completed by the applicant for certification must have conformed to the AQB's education criteria in effect at the time the applicant's education component was completed. Specifically, the education component completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's education

criteria effective on January 1, 2003. Education completed on or after January 1, 2008, must comply with the AQB's education criteria in effect on January 1, 2008;

(3) Provide the Board with proof of completion of the experience component for certification as specified in Section 475.617, F.S., and as further defined in Rule 61J1-6.001, F.A.C. The experience component completed by the applicant for certification must have conformed to the AQB's experience criteria in effect at the time the applicant's experience component was completed. Specifically, the experience component must be completed by the applicant for certification prior to January 1, 2008, must have conformed to the AQB's experience criteria effective on January 1, 2003. Experience completed on or after January 1, 2008, must comply with the AQB's experience criteria in effect on January 1, 2008; and

(4) Provide the Board with proof of passing a written examination as specified in Section 475.616, F.S., and as further defined by Rule 61J1-5.001, F.A.C., if a written examination is required. Examination results are only valid for a maximum period of 24 months from the exam date.

(5) Effective January 1, 2009, the education and experience for all applicants requesting appraiser certification must conform to the AQB's education and experience criteria effective January 1, 2008.

Specific Authority 475.613(2), 475.614, 475.6171 FS. Law Implemented 475.6171 FS. History--New

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NOS.:	RULE TITLES:
62-610.100	Scope, Intent, Purpose, and Applicability
62-610.200	Definitions
62-610.300	General Technical Guidance, Related Rules, and Forms
62-610.419	Application/Distribution Systems and Cross-Connection Control
62-610.451	Minimum System Size
62-610.471	Setback Distances
62-610.568	Monitoring and Operating Protocol
62-610.800	Permitting Requirements
62-610.870	Reporting and Enforcement

PURPOSE AND EFFECT: To ensure consistency with statutory requirements in Section 403.064, F.S., related to the linkage between reuse requirements in consumptive use permits and DEP permits. To encourage efficient and effective use of reclaimed water. To eliminate outdated rule references or requirements. To clarify and refine the reuse rules.

SUBJECT AREA TO BE ADDRESSED: Water Reuse.
SPECIFIC AUTHORITY: 403.051, 403.061, 403.064, 403.087, 403.0881 FS.

LAW IMPLEMENTED: 403.021, 403.051, 403.061, 403.062, 403.064, 403.085, 403.086, 403.087, 403.088, 403.0881 FS.

A RULE DEVELOPMENT WORKSHOP WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 15, 2007, 9:30 a.m.

PLACE: 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Lauren Walker-Coleman, Water Reuse Specialist, Department of Environmental Protection, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, lauren.walker-coleman@dep.state.fl.us www.dep.state.fl.us/water/reuse

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Lauren Walker-Coleman, Water Reuse Specialist, Department of Environmental Protection, 2600 Blair Stone Road, MS 3540, Tallahassee, FL 32399-2400, lauren.walker-coleman@dep.state.fl.us, www.dep.state.fl.us/water/reuse

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS AVAILABLE AT NO CHARGE FROM THE CONTACT PERSON LISTED ABOVE.

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.:	RULE TITLE:
64B8-56.004	Other Requirements for Electrolysis Training Program Approval

PURPOSE AND EFFECT: The Council proposes the promulgation and adoption of the new rule to add language specifying that all instructors of the 320 hour electrology training course to have two years post licensure electrology experience.

SUBJECT AREA TO BE ADDRESSED: New requirements for electrolysis training program approval.

SPECIFIC AUTHORITY: 478.43(1) FS.

LAW IMPLEMENTED: 478.43(1),(4), 478.51(3) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Electrolysis Council/MQA, 4052 Bald Cypress Way, Bin #05, Tallahassee, Florida 32399-3255
THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-2.011 RULE TITLE: Definition of Supervised Fieldwork Experience

PURPOSE AND EFFECT: The Board proposes the rule amendment to refer to the correct and more applicable statute and to clarify that this rule applies to occupational therapists.

SUBJECT AREA TO BE ADDRESSED: Definition of supervised fieldwork experience.

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.209 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-3.010 RULE TITLE: Definition of Supervised Fieldwork Experience Requirements

PURPOSE AND EFFECT: The Board proposes the promulgation and adoption of the new rule to create a corresponding rule for occupational therapy assistants to clarify definition of fieldwork experience requirements for Section 468.209(1)(c), Florida Statutes.

SUBJECT AREA TO BE ADDRESSED: Supervised fieldwork experience requirements.

SPECIFIC AUTHORITY: 468.204 FS.

LAW IMPLEMENTED: 468.204, 468.207, 468.209(c) FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

DEPARTMENT OF HEALTH

Board of Occupational Therapy

RULE NO.: 64B11-5.001 RULE TITLE: Requirements for License Renewal of an Active License; Continuing Education

PURPOSE AND EFFECT: The Board proposes the rule amendment to clear up discrepancy and confusion in applicability of requirements of Section 456.033, Florida Statutes for applicants certified in second half of biennium.

SUBJECT AREA TO BE ADDRESSED: License renewal of an active license.

SPECIFIC AUTHORITY: 456.036, 468.219 FS.

LAW IMPLEMENTED: 456.013, 456.033, 456.036, 468.219 FS.

IF REQUESTED IN WRITING AND NOT DEEMED UNNECESSARY BY THE AGENCY HEAD, A RULE DEVELOPMENT WORKSHOP WILL BE NOTICED IN THE NEXT AVAILABLE FLORIDA ADMINISTRATIVE WEEKLY.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE DEVELOPMENT AND A COPY OF THE PRELIMINARY DRAFT, IF AVAILABLE, IS: Susan Love, Executive Director, Board of Occupational Therapy/MQA, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

THE PRELIMINARY TEXT OF THE PROPOSED RULE DEVELOPMENT IS NOT AVAILABLE.

Section II Proposed Rules

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-1.099821
 RULE TITLE: Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate

PURPOSE AND EFFECT: The purpose of this rule is to describe the methodology used and the activities related to calculating the VPK Provider Kindergarten Readiness Rate. The effect of the rule will be the adoption of the process and methodology for the Department of Education's calculation of the VPK Provider Kindergarten Readiness Rate.

SUMMARY: This rule sets forth the methodology used and activities related to calculating the VPK Provider Kindergarten Readiness Rate.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1002.73(2)(d) FS.

LAW IMPLEMENTED: 1002.69(5),(6) FS.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Shan Goff, Executive Director, Office of Early Learning, 325 West Gaines Street, Room 1524, Tallahassee, Florida 32399-0400

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-1.099821 Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate.

(1) Statewide kindergarten screening. The Department shall adopt a statewide kindergarten screening that provides objective data concerning each student's readiness for kindergarten and progress in attaining Florida's Voluntary Prekindergarten (VPK) Education Program Performance Standards. School districts are required to administer the statewide screening to each kindergarten student in the school district within the first 30 school days of each school year.

(2) Voluntary Prekindergarten (VPK) Provider Kindergarten Readiness Rate. The Department of Education shall:

(a) Annually calculate each private prekindergarten provider's and public school's kindergarten readiness rate, which must be expressed as the percentage of the provider's or school's students who are assessed as ready for kindergarten;

kindergarten readiness rates must be based exclusively on the results of the screening for students who completed the VPK program, and

(b) Periodically adopt a minimum kindergarten readiness rate that, if achieved by a private prekindergarten provider or public school, would demonstrate the provider's or school's satisfactory delivery of the VPK program. The minimum rate must not exceed the rate at which more than fifteen (15) percent of the kindergarten readiness rates of all private prekindergarten providers and public schools delivering the VPK Program would fall below the minimum rate.

(3) Accuracy of Data.

(a) Prior to the calculation of the VPK Provider Readiness Rate, as described in subsection (4) of this rule, private and public school VPK providers shall have the opportunity to review a list of all of the children served in their program and the total number of hours attended, including allowable absences.

(b) Documentation of any proposed changes shall be submitted by the private or public provider, within the timelines specified, shall be reviewed by the Department in collaboration with the Agency for Workforce Innovation and the respective Early Learning Coalition. The private or public provider shall be notified whether the information submitted was accepted by Department for the purpose of calculating the VPK Provider Kindergarten Readiness Rate.

(4) Criteria for Inclusion in the VPK Provider Kindergarten Readiness Rate.

(a) After the conclusion of the review of the data described in subsection (3) of this rule, the Department shall calculate the Kindergarten Readiness Rate for each private or public school VPK provider of either the school year (five hundred forty (540) hour) or summer (three hundred (300) hour) program that served at least four (4) children who:

1. Attended the VPK program for eighty-five (85) percent or more of the total number of instructional hours, including the allowable absences, and

2. Participated in the kindergarten screening as described in subsection (1) of this rule.

(b) If a private or public school provider does not meet the criteria described above, information as to why the provider was not included in the VPK Provider Readiness Rate calculation shall be displayed on the VPK Provider Profile required by Section 1002.53(5), Florida Statutes.

(5) Procedures for Calculating the VPK Provider Kindergarten Readiness Rate.

(a) The "Percent of Children Ready for Kindergarten" shall be calculated as the number "Children Ready for Kindergarten" on each screening measure divided by the total number of "Children Screened" on that measure.

(b) One point is assigned for each percent of "Children Ready for Kindergarten" on each screening measure.

(c) The VPK Provider Kindergarten Readiness Rate shall be the sum of the “Percent of Ready for Kindergarten” on each screening measure with a maximum of three hundred (300) points.

(d) The Kindergarten Readiness Rate for private and public school VPK Providers will be displayed as follows:

	<u>Screening Measure #1</u>	<u>Screening Measure #2</u>	<u>Screening Measure #3</u>
<u>Children Ready for Kindergarten</u>		<u>22</u>	<u>15</u>
<u>12</u>			
<u>Children Screened</u>	<u>22</u>	<u>20</u>	<u>20</u>
<u>Percent of Children Ready for Kindergarten</u>	<u>100</u>	<u>75</u>	<u>60</u>
<u>VPK Provider Readiness Rate</u>	<u>235</u>		

(e) All providers shall be ranked according to their final score.

(6) Appeal of VPK Provider Readiness Rate Calculation. After the initial issuance of VPK Provider Kindergarten Readiness Rates, private and public school providers may appeal the Department’s decision to accept or reject additional information submitted under subsection (3) of this rule.

(7) Minimum Readiness Rate. After the conclusion of the appeals process, described in subsection (6) of this rule, the State Board of Education shall adopt a minimum readiness rate.

(8) Low Performing VPK Providers. If the readiness rate of a private public VPK provider falls below the minimum rate adopted by the State Board, the provider shall be designated as a low performing VPK provider, acknowledge such designation in the manner prescribed by the Department, and submit and implement an improvement plan in accordance with the requirements of Rule 60BB-8.700, F.A.C.

Specific Authority 1002.73(2)(d) FS. Law Implemented 1002.69(5),(6) FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Shan Goff, Executive Director, Office of Early Learning, 325 West Gaines Street, Room 1524, Tallahassee, Florida 32399-0400

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: John L. Winn, Commissioner, Department of Education

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: August 19, 2005

DEPARTMENT OF EDUCATION

State Board of Education

RULE NO.: 6A-3.0141
 RULE TITLE: Employment of School Bus Operators

PURPOSE AND EFFECT: The purpose of the rule amendment is to implement required changes to the Basic School Bus Driver Curriculum Instructor manual to ensure the safest, most efficient operators of buses for the transportation of Florida’s public school students. The intended effect is to ensure that a high level of safety and efficiency is provided by Florida’s public school bus operators.

SUMMARY: The proposed revisions update the Basic School Bus Driver Curriculum Instructor manual for school district trainers by updating procedures on railway crossings, student loading and unloading, and other safety areas.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 1012.45 FS.

LAW IMPLEMENTED: 1012.45 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 20, 2007, 9:00 a.m.

PLACE: 400 South Monroe Street, Room LL03, The Capitol, Tallahassee, Florida 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Charlie Hood, Director, Office of School Transportation, Department of Education, 325 West Gaines Street, Tallahassee, Florida; (850)245-9924

THE FULL TEXT OF THE PROPOSED RULE IS:

6A-3.0141 Employment of School Bus Operators.

(1) through (3) No change.

(4) Prior to transporting students on a school bus each operator shall meet the following requirements:

(a) No change.

(b) Successfully complete forty (40) hours of preservice training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department’s Basic School Bus Operator Curriculum, Revised 2006, which is hereby incorporated by reference and made a part of this rule. This document may be obtained from the Bureau of Career Development, Department of Education, The Florida Education Center, Tallahassee, Florida 32399, at a cost not to exceed actual production and distribution costs.

(c) through (e) No change.

(5) through (11) No change.

Specific Authority 316.615(3), 1001.02(1), 1006.22, 1012.45 FS. Law Implemented 112.044(3), 322.03(1), (3), 1006.22, 1012.32(2)(a), 1012.45 FS. History–New 8-1-86, Amended 7-5-89, 11-15-94, 4-18-96, 6-24-03, 11-26-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Charlie Hood, Director, Office of School Transportation,
Department of Education

NAME OF SUPERVISOR OR PERSON WHO APPROVED
THE PROPOSED RULE: Linda Champion, Deputy
Commissioner for Finance and Operations, Department of
Education

DATE PROPOSED RULE APPROVED BY AGENCY
HEAD: February 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT
PUBLISHED IN FAW: December 15, 2006

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

RULE NOS.:	RULE TITLES:
19-8.010	Reimbursement Contract
19-8.029	Insurer Reporting Requirements
19-8.030	Insurer Responsibilities

PURPOSE AND EFFECT: The State Board of Administration, Florida Hurricane Catastrophe Fund, seeks to amend the rules listed above to implement Section 215.555, Florida Statutes, including the changes made to the law during the 2007 Special Legislative Session.

SUMMARY: Rule 19-8.010, F.A.C., Reimbursement Contract.: The proposed amendments to Rule 19-8.010, F.A.C., adopt the Reimbursement Contract for the Contract Year 2007-2008, including the three addenda. As outlined below, each addenda addresses one of the three new optional FHCF coverage selections created during the 2007 Special Legislative Session.

Addendum No. 1: This addendum incorporates the additional \$10 million dollar coverage option available to insurers taking advantage of a similar program in 2006, to insurers qualifying as limited apportionment companies under Section 627.351(6), Florida Statutes, which began writing property insurance in 2007 and to insurers that were approved to participate in 2006 or that are approved in 2007 to participate in the Section 215.5595, Florida Statutes, Insurance Capital Build-Up Incentive Program. This optional coverage is below the mandatory FHCF layer of coverage.

Addendum No. 2: This addendum incorporates the Temporary Emergency Options for Additional Coverage "TEACO" program. This program allows insurers to purchase its FHCF premium share of a \$1 billion, \$2 billion, or a \$3 billion layer of coverage below the mandatory FHCF layer of coverage.

Addendum No. 3: This addendum incorporates the Temporary Increase in Coverage Limit Options "TICL" program. This program allows insurers to choose from one of twelve options for increasing their level of FHCF coverage above and beyond the mandatory FHCF coverage.

Rule 19-8.029, F.A.C., Insurer Reporting Requirements: The proposed amendments to Rule 19-8.029, F.A.C., updates and adopts the forms for insurer exposure and loss reporting to the Florida Hurricane Catastrophe Fund for the 2007-2008 Contract Year.

Rule 19-8.030, F.A.C., Insurer Responsibilities: The proposed amendments to Rule 19-8.030, F.A.C., incorporate the 2007 Special Legislative Session's changes to the law, and update and adopt forms for insurer exposure and loss examinations and reporting to the Florida Hurricane Catastrophe Fund for the 2007-2008 Contract Year.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: The Board has prepared a statement and found the cost of the proposed amendments to be minimal. Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 215.555(3) FS.

LAW IMPLEMENTED: 215.555(2), (3), (4), (5), (6), (7), (10), (16), (17) FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 20, 2007, 9:00 a.m. – 12:00 Noon
PLACE: Room 116 (Hermitage Conference Room), 1801 Hermitage Blvd., Tallahassee, FL 32308

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Tracy Allen, (850)413-1341 or by mail at P. O. Box 13300, Tallahassee, Florida 32317-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Jack E. Nicholson, Senior FHCF Officer of the Florida Hurricane Catastrophe Fund, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1340

THE FULL TEXT OF THE PROPOSED RULE IS:

19-8.010 Reimbursement Contract.

(1) through (12) No change.

(13) The reimbursement contract for the 2007-2008 contract year, including Addenda 1., 2., and 3., required by Section 215.555(4), F.S., which is called Form FHCF-2007K-

“Reimbursement Contract” or “Contract” between (name of insurer) (the “Company”)/NAIC #() and The State Board of Administration of the State of Florida (“SBA”) which Administers the Florida Hurricane Catastrophe Fund (“FHCF”), is hereby adopted and incorporated by reference into this rule. This contract is effective from June 1, 2007 through May 31, 2008.

~~(14)(13)~~ Copies of the reimbursement contract may be obtained from the State Board of Administration. The mailing address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308, (850)413-1346.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-31-94, Amended 8-29-95, 5-19-96, 6-19-97, 5-28-98, 5-17-99, 9-13-99, 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 11-13-05, 5-10-06, 9-5-06, _____.

19-8.029 Insurer Reporting Requirements.

(1) through (4)(g) No change.

(h) For the 2006/2007 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2006 Data Call,” rev. 05/06, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(i) For the 2007/2008 Contract Year, the reporting shall be in accordance with Form FHCF-D1A, “Florida Hurricane Catastrophe Fund 2007 Data Call,” rev. 05/07, hereby adopted and incorporated by reference. The form may be obtained from the Fund’s Administrator at the address stated in subsection (6) below. A new participant writing covered policies on or after June 1 but prior to December 1, shall report its actual exposure as of December 31 of the Contract Year on or before March 1 of the Contract Year, to the Administrator.

(5) Loss Reimbursement Reporting Requirements.

(a) As directed by the Board, after a covered event occurs, insurers shall report all their estimated ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for Covered Policies on the Form FHCF-L1A, “Florida Hurricane Catastrophe Fund Interim Loss Report,” for the applicable Contract Year, as specified in subsection (7) herein ~~rev. 05/2006, which is hereby adopted and incorporated by reference,~~ in no less than fourteen days from the date of the notice from the Board that such a report is required. The Board may request subsequent Interim Loss Reports. To obtain copies of this form, see subsection (6), below. Prompt reporting in the format requested will aid the Board in determining whether to seek additional sources of funds to pay for reimbursable losses. The losses reported on the Interim Loss Report are expected to result from a good faith effort, using best business practices for the insurance

industry, on the part of the insurer to report as accurately as possible. Preliminary reports will not be binding. Reimbursements by the Fund will be made on the basis of the Proof of Loss Report, adopted in (b) below.

(b) Insurers shall report their ultimate net losses (as defined in the Reimbursement Contract, adopted and incorporated into Rule 19-8.010, F.A.C.) for each loss occurrence on the Form FHCF-L1B, “Florida Hurricane Catastrophe Fund Proof of Loss Report,” rev. 05/2006, which is hereby adopted and incorporated by reference. for the applicable Contract Year, as specified in subsection (7) herein. To obtain copies of this form, see subsection (6), below. To qualify for reimbursement, the Proof of Loss Report must have the original signatures of two executive officers authorized by the Company to sign the report. Proof of Loss Reports may be faxed only if the Company does not qualify for a reimbursement. While a Company may submit a Proof of Loss Report requesting reimbursement at any time following a loss occurrence, all Companies shall submit a mandatory Proof of Loss Report for each loss occurrence no earlier than December 1 and no later than December 31 of the Contract Year during which the Covered Event(s) occurs using the most current data available, regardless of the amount of Ultimate Net Loss or the amount of loss reimbursements or advances already received. After the mandatory December Proof of Loss Report, quarterly Proof of Loss Reports are required. For purposes of this rule, quarterly Proof of Loss Reports shall be those reports submitted at each quarter end date after December 31 of the Contract Year in which the loss occurrence occurs and continuing until all claims and losses resulting from loss occurrences commencing during the Contract Year are fully discharged, including any adjustments to such losses due to salvage or other recoveries, in accordance with the reporting requirements in this paragraph. “Fully Discharged” means the earlier of the date on which the insurer has paid its policyholders in full or the commutation clause, in Article X of the Reimbursement Contract, adopted in Rule 19-8.010, F.A.C., takes effect. For the quarterly report due on March 31 ~~3/31~~, any insurer whose losses exceed 50% of its FHCF retention for a specific loss occurrence shall submit a Proof of Loss Report for that loss occurrence. For the quarterly report due on June 30 ~~6/30~~, any insurer whose losses exceed 75% of its FHCF retention for a specific loss occurrence submit a Proof of Loss Report for that loss occurrence. For the quarterly reports due on September 30, ~~9/30~~ and thereafter, any insurer which anticipates that its losses will exceed its FHCF retention for a specific loss occurrence shall submit quarterly Proof of Loss Reports until all its losses are paid to its policyholders and the insurer has received reimbursement from the Fund. Annually, all Companies which experienced losses for a specific loss occurrence, but are not required to report quarterly loss reports for that loss occurrence because they received their full coverage under the Contract Year in which the loss occurrence(s) occurred, ~~do not meet the quarterly requirements~~

~~outlined in this section~~ shall submit a mandatory year-end Proof of Loss Report for each loss occurrence, using the most current data available unless the Company has no losses. This Proof of Loss Report shall be filed no earlier than December 1 and no later than December 31 of each year and shall continue until the earlier of the expiration of the commutation period or until all claims and losses resulting from the loss occurrence are fully discharged including any adjustments to such losses due to salvage or other recoveries.

(c) through (6) No change.

(7)(a) For the 2005/2006 and earlier Contract Years the applicable Interim Loss Report is that form that was in effect for the Contract Year as reflected by the revision date on the form. For example, the applicable Interim Loss Report for the Contract Year 2004-2005 is the FHCF-L1A, with the revision date of 5/05.

(b) For the 2006/2007 Contract Year, the applicable Interim Loss Report is the "Contract Year 2006 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1A, rev. 05/06, which is hereby adopted and incorporated by reference. The applicable Proof of Loss Report is the "Contract Year 2006 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1B, rev. 05/06, which is hereby adopted and incorporated by reference.

(c) For the 2007/2008 Contract Year, the applicable Interim Loss Report is the "Contract Year 2007 Interim Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1A, rev. 05/07, which is hereby adopted and incorporated by reference. The applicable Proof of Loss Report is the "Contract Year 2007 Proof of Loss Report, Florida Hurricane Catastrophe Fund (FHCF)", FHCF-L1B, rev.05/07, which is hereby adopted and incorporated by reference.

Specific Authority 215.555(3) FS. Law Implemented 215.555(2), (3), (4), (5), (6), (7), (15) FS. History—New 5-17-99, Amended 6-19-00, 6-3-01, 6-2-02, 11-12-02, 5-13-03, 5-19-04, 8-29-04, 5-29-05, 5-10-06, _____.

19-8.030 Insurer Responsibilities.

(1) through (7) No change.

(a) Advance Examination Record Requirements: Within 30 days from the date on the letter from the FHCF, Companies are required to provide the FHCF with the records indicated in the applicable Contract Year's Form FHCF-EAP1, "Exposure Examination Advance Preparation Instructions" rev. 05/06 or in the applicable Contract Year's Form FHCF-LAP1 "Loss Reimbursement Examination Advance Preparation Instructions", 05/06. An extension of 30 days may be granted if the Insurer can show that the need for the additional time is due to circumstances beyond the reasonable control of the participant. These forms are hereby adopted and incorporated by reference into this rule. Copies of these forms may be obtained from the FHCF website, www.sbafla.com/fhcf or by contacting the State Board of Administration. The mailing

address is P. O. Box 13300, Tallahassee, FL 32317-3300. The street address is 1801 Hermitage Blvd., Tallahassee, Florida 32308.

(b) through (c) No change.

(d) Resubmissions/Updates as a Result of a Completed Examination: A Company required to resubmit exposure data ~~or update a Proof of Loss Report~~ as a result of the examination must do so within 30 days of the date on the letter from the FHCF notifying the Company of the need to resubmit. An extension of 30 days will be granted if the Company can show that the need for additional time is due to circumstances beyond the reasonable control of the Company.

(8) Loss Reporting. Participating Insurers are required to file the following two types of loss reports at the times prescribed in Rule 19-8.029, F.A.C. Form FHCF-L1A, "Florida Hurricane Catastrophe Fund Interim Loss Report," for the applicable Contract Year rev. 05/06 and Form FHCF-L1B, "Florida Hurricane Catastrophe Fund Proof of Loss Report," for the applicable Contract Year rev. 05/06. For the Contract Year 2006-2007, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF-L1A rev. 05/06 and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF-L1B rev. 05/06. For the Contract Year 2007-2008, the applicable "Florida Hurricane Catastrophe Fund Interim Loss Report," is the FHCF-L1A rev. 05/07 and the applicable "Florida Hurricane Catastrophe Fund Proof of Loss Report," is the FHCF-L1B rev. 05/07. ~~Both of~~ These forms are hereby adopted and incorporated by reference into this rule.

(a) Companies must submit a detailed claims listing (in a delimited ASCII format) to support the losses reported in the FHCF-L1B at the same time it submits its first Proof of Loss Report for a specific Covered Event that qualifies the company for reimbursement under that Covered Event, and should be prepared to supply a detailed claims listing for any subsequent Proof of Loss Report upon request. Refer to Form FHCF-LAP1 for the required file layout. The FHCF-L1B and the detailed claims listing are required to be sent to the FHCF Administrator, Paragon Strategic Solutions Inc, 3600 American Boulevard West, Minneapolis, MN 55431. If your company submits its Proof of Loss Reports electronically through the FHCF's Online Claims System at www.sbafla.com/fhcf/, the detailed claims listing may be attached to the Company's submission.

(9) through (10) No change.

(11) Optional Coverage Programs: Except as provided in this subsection, this Rule applies to the Additional Coverage option created in Section 215.555(4)(b)4., Florida Statutes ("Section (4)(b)4. Additional Coverage Option"), the Temporary Emergency Additional Coverage Option ("TEACO") created in Section 215.555(16), Florida Statutes and the Temporary Increase in Coverage Limit option created in Section 215.555(17), Florida Statutes ("TICL").

(a) The definition of Premium in paragraph (3)(m), above, does not apply to the Section (4)(b)4. Additional Coverage Option. With respect to this Option, the word "Premium" when used in this Rule shall refer to the amount payable under Section 215.555(4)(b)4., Florida Statutes, for this optional coverage.

(b) The definition of Premium in paragraph (3)(m), above, does not apply to TEACO. With respect to this Option, the word "Premium" when used in this Rule shall refer to the amount payable under Section 215.555(16)(f), Florida Statutes, for this optional coverage.

Specific Authority 215.555(3) FS. Law Implemented 215.555 FS. History—New 5-13-03, Amended 5-19-04, 5-29-05, 5-10-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Jack E. Nicholson, Senior FHCF Officer, State Board of Administration.

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: The Trustees of the State Board of Administration of Florida

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 5, 2007, Vol. 33, No. 1

WATER MANAGEMENT DISTRICTS

Suwannee River Water Management District

RULE NOS.:	RULE TITLES:
40B-4.1020	Definitions
40B-4.1090	Publications and Agreements Incorporated by Reference
40B-4.3030	Conditions for Issuance of Works of the District Development Permits

PURPOSE AND EFFECT: The purpose of the rule development is to update these sections of Chapter 40B-4, Florida Administrative Code, to adopt the most current version of the items incorporated by reference. The effect of the proposed rule amendments will update the language and incorporate the new flood insurance studies for the Suwannee River and its tributaries.

SUMMARY: These proposed amendments will address items incorporated by reference and will update all relevant terminology.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.113, 373.171 F.S.

LAW IMPLEMENTED: 120.60, 373.019, 373.083, 373.084, 363.085, 373.086, 373.403, 373.413, 373.416 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Linda Welch, Administrative Assistant, Suwannee River Water Management District, 9225 C.R. 49, Live Oak, Florida 32060, (386)362-1001 or (800)226-1066 (FL only)

THE FULL TEXT OF THE PROPOSED RULES IS:

40B-4.1020 Definitions.

(1) "100-Year Flood/One Percent Annual Chance of Flood" means that flood which has a one-percent probability of recurrence in any one year. The 100-year flood/one percent annual chance of flood elevation is the highest elevation of flood waters during the 100-year flood/one percent annual chance of flood and is calculated or estimated from the best available information. The 100-year flood/one percent annual chance of flood elevation shall not include coastal storm surge elevations unless such elevations have been developed in an approved Federal Emergency Management Agency Flood Insurance Study and such approved storm surge elevations have been accepted for implementation by the appropriate unit of local or state government.

(2) through (11) No change.

(12) "Floodway" or "Regulatory Floodway" means the channel of a river, stream, or other watercourse and adjacent land areas that must be reserved in order to discharge the 100-year flood/one percent annual chance of flood without cumulatively increasing the 100-year flood/one percent annual chance of flood elevation more than a designated height. Unless otherwise noted, all regulatory floodways in the Suwannee River Water Management District provide for no more than one-foot rise in water surface elevations.

(13) through (30) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.019, 373.403 FS. History—New 9-25-85, Amended 12-22-92, 10-3-95, _____.

40B-4.1090 Publications and Agreements Incorporated by Reference.

(1) The Governing Board hereby adopts by reference: Final Survey – Review Report Suwannee River Georgia and Florida, July 1989, US Army Corps of Engineers, Jacksonville District used to establish the floodway for the wworks of the ddistrict identified in Chapter 40B-4, Part III, F.A.C.

(2) The following Flood Insurance Studies are hereby incorporated by reference and supersede subsection 40B-4.1090(1), F.A.C., for each county listed below:

(a) Alachua County, Florida and Incorporated Areas, Effective June 16, 2006;

(b) Dixie County, Florida and Incorporated Areas, Effective September 29, 2006;

(c) Gilchrist County, Florida and Incorporated Areas, Revised September 29, 2006;

(d) Lafayette County, Florida and Incorporated Areas, Effective September 29, 2006.

Specific Authority 373.044 FS. Law Implemented 373.083, 373.084, 373.085, 373.086, 373.413, 373.416 FS. History—New 11-21-02, Amended _____.

40B-4.3030 Conditions for Issuance of Works of the District Development Permits.

(1) No change.

(2) The district will not approve the issuance of a works of the district development permit for any work, structures, road, or other facilities which have the potential of individually or cumulatively reducing floodway conveyance or increasing water-surface elevations above the 100-year flood/one percent annual chance of flood elevation, or increasing soil erosion.

(3) No change.

(4) Buildings in the floodway shall be elevated on piles without the use of fill such that the lowest structural member of the building is at an elevation at least one foot above the 100-year flood/one percent annual chance of flood elevation.

(5) through (8) No change.

(9) For any structure placed within a floodway, the district shall require as a condition for issuance of a work of the district development permit that an engineer certify that such a structure will not obstruct flows or increase 100-year flood/one percent annual chance of flood elevations. Such certification shall include step-backwater calculations using the 100-year flood/one percent annual chance of flood discharge rate.

(10) through (11) No change.

Specific Authority 373.044, 373.113, 373.171 FS. Law Implemented 373.084, 373.085, 373.086 FS. History—New 9-25-85, Amended 2-12-87, 2-1-89, 12-22-92, 10-17-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Jon Dinges, Director, Resource Management, Suwannee River Water Management District, 9225 County Road 49, Live Oak, Florida 32060, (386)362-1001

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the Suwannee River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 8, 2006

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NO.: 40C-1.106
 RULE TITLE: Interagency Agreements

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference an amended operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUMMARY: The proposed rule amendment contains the following revisions: (1) the Florida Department of Environmental Protection (DEP) will accept regulatory responsibility for any shore protection structures, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of DEP to review; (2) DEP will accept regulatory responsibility for review of non-exempt aquaculture activities; (3) DEP will accept regulatory responsibility for review of all activities on sovereignty submerged lands leased by DEP’s Division of Recreation and Parks (except for activities proposed by DEP); (4) numerous clarifications are made regarding the division of responsibilities with respect to various facilities and mining activities regulated by DEP; (5) clarifications are made regarding the procedures to be followed for incorrectly submitted applications and petitions, and for permit modifications; (6) expansion of the instances when the District and DEP can deviate from the general division of responsibilities when one agency has a proprietary interest (such as a conservation easement) in the project; (7) DEP will relinquish much of their current mitigation bank and regional offsite mitigation area (“ROMA”) agreement proposal review so that DEP will only review permit applications for mitigation banks and ROMA agreement proposals filed by: (a) entities proposing to use District-owned lands; (b) governmental entities (excluding DEP), solely to offset impacts to single-family residential units for which DEP reviews and takes final action; and (c) the District; and (8) the District will coordinate compliance and enforcement actions with DEP for environmental resource permit (ERP) violations that also constitute a sovereignty submerged lands (SSL) violation, where the resolution of the ERP violation does not fully resolve the SSL violation (so that DEP can address the SSL violation).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 10, 2007, Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ann Freeman at (386)329-4101 or (386)329-4450 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwm.com

THE FULL TEXT OF THE PROPOSED RULE IS:

40C-1.106 Interagency Agreements.

(1) No change.

(3) The following agreements have been entered into by the District and are hereby incorporated by reference:

(a) through (g) No change.

(h) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S.~~, between St. Johns River Water Management District and Department of Environmental Protection dated ~~July 1, 2007~~ 12-3-98.

(i) through (l) No change.

PROPOSED EFFECTIVE DATE July 1, 2007.

Specific Authority 373.044, 373.046, 373.113 FS. Law Implemented ~~420.53~~, 373.016(5), 373.046, 373.103, 373.421(2) FS. History--New 8-1-89. Amended 11-12-92, 10-3-95, 12-3-98, 11-11-03, 7-1-07.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

WATER MANAGEMENT DISTRICTS

St. Johns River Water Management District

RULE NOS.:
40C-4.091

RULE TITLES:
Publications Incorporated by Reference

40C-4.302

Additional Conditions for Issuance of Permits

PURPOSE AND EFFECT: The purpose and effect of this proposed rule amendment is to incorporate by reference an amended operating agreement between the St. Johns River Water Management District and the Department of Environmental Protection regarding regulatory responsibilities under Part IV, Chapter 373, F.S. The operating agreement addresses the division of responsibilities between the two agencies for permitting, compliance, enforcement, and for wetland determinations.

SUMMARY: The proposed rule amendment contains the following revisions: (1) the Florida Department of Environmental Protection (DEP) will accept regulatory responsibility for any shore protection structures, including seawalls, within the Mosquito Lagoon, Banana River, or Indian River, including all tributaries thereto, that serve residential dwelling units that are the responsibility of DEP to review; (2) DEP will accept regulatory responsibility for review of non-exempt aquaculture activities; (3) DEP will accept regulatory responsibility for review of all activities on sovereignty submerged lands leased by DEP's Division of Recreation and Parks (except for activities proposed by DEP); (4) numerous clarifications are made regarding the division of responsibilities with respect to various facilities and mining activities regulated by DEP; (5) clarifications are made regarding the procedures to be followed for incorrectly submitted applications and petitions, and for permit modifications; (6) expansion of the instances when the District and DEP can deviate from the general division of responsibilities when one agency has a proprietary interest (such as a conservation easement) in the project; (7) DEP will relinquish much of their current mitigation bank and regional offsite mitigation area ("ROMA") agreement proposal review so that DEP will only review permit applications for mitigation banks and ROMA agreement proposals filed by: (a) entities proposing to use District-owned lands; (b) governmental entities (excluding DEP), solely to offset impacts to single-family residential units for which DEP reviews and takes final action; and (c) the District; and (8) the District will

coordinate compliance and enforcement actions with DEP for environmental resource permit (ERP) violations that also constitute a sovereignty submerged lands (SSL) violation, where the resolution of the ERP violation does not fully resolve the SSL violation (so that DEP can address the SSL violation).

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 373.044, 373.046, 373.113 FS.

LAW IMPLEMENTED: 373.016(5), 373.046, 373.103, 373.421(2) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: April 10, 2007, Following the regularly scheduled Governing Board Regulatory Meeting, which begins at 1:00 p.m.

PLACE: St. Johns River Water Management District Headquarters, 4049 Reid Street, Palatka, Florida 32177-2529

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Ann Freeman at (386)329-4101 or (386)329-4450 (TDD). If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Norma K. Messer, Rules Coordinator, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32178-2529, (386)329-4459, Suncom 860-4459, email address nmesser@sjrwmd.com

THE FULL TEXT OF THE PROPOSED RULES IS:

40C-4.091 Publications Incorporated by Reference.

(1) The Governing Board hereby adopts by reference:

(a) Part I "Policy and Procedures," Part II "Criteria for Evaluation," Subsections 18.0, 18.1, 18.2, and 18.3 of Part III and Appendix K "Legal Description Upper St. Johns River Hydrologic Basin," "Legal Description Ocklawaha River Hydrologic Basin," "Legal Description of the Wekiva River Hydrologic Basin," "Legal Description of the Econlockhatchee River Hydrologic Basin," "Legal Description of the Sensitive Karst Areas Basin, Alachua County," "Legal Description Tomoka River Hydrologic Basin," "Legal Description Spruce Creek Hydrologic Basin," "Legal Description of the Sensitive

Karst Areas Basin, Marion County," and "Legal Descriptions of the Lake Apopka Hydrologic Basin," and Appendix M "Regional Watersheds for Mitigation Banking," of the document entitled "Applicant's Handbook: Management and Storage of Surface Waters," effective July 1, 2007 2-1-05.

(b) Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., and ~~Aquaculture General Permits Under Section 403.814, F.S.~~ Between St. Johns River Water Management District and Department of Environmental Protection dated July 1, 2007 8-25-94.

(c) No change.

(2) No change.

PROPOSED EFFECTIVE DATE July 1, 2007.

Specific Authority 373.044, 373.046(4), 373.113, 373.4136, 373.414, 373.415, 373.416, 373.418, 373.421, 373.461 FS. Law Implemented 120.60, 373.016(2), 373.042, 373.0421, 373.046, 373.085, 373.086, 373.103, 373.109, 373.146(1), 373.406, 373.413, 373.4135, 373.4136, 373.414, 373.4141, 373.415, 373.416, 373.417, 373.418, 373.421(2)-(6), 373.423, 373.426, 373.461(3), 380.06(9), 403.813(2) FS. History—New 12-7-83, Amended 10-14-84, Formerly 40C-4.091, Amended 5-17-87, Formerly 40C-4.0091, Amended 8-20-87, 10-1-87, 10-11-87, 11-26-87, 8-30-88, 1-1-89, 8-1-89, 10-19-89, 4-3-91, 9-25-91, 11-12-91, 3-1-92, 7-14-92, 9-8-92, 9-16-92, 11-12-92, 11-30-92, 1-6-93, 1-23-94, 2-27-94, 11-22-94, 10-3-95, 8-20-96, 11-25-98, 12-3-98, 1-7-99, 1-11-99, 8-21-00, 7-8-01, 10-11-01, 4-10-02, 9-26-02, 3-7-03, 11-11-03, 2-1-05, 7-1-07.

40C-4.302 Additional Conditions for Issuance of Permits.

(1) No change.

(2) When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant's violation of any Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to part IV, Chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department's delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement Concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; and Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under

Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated July 1, 2007, all incorporated by reference in Rule 40C-4.091, F.A.C.

PROPOSED EFFECTIVE DATE July 1, 2007.

Specific Authority ~~373.016~~, 373.044, 373.046, 373.103, 373.113, ~~373.171~~, 373.414(9), 373.418, FS. Law Implemented 373.016(2), ~~373.042~~, ~~373.409~~, 373.413, 373.414, 373.416, 373.418, 373.426, ~~380.23~~, FS. History--New 10-3-95. Amended 10-11-01, 7-1-07.

APPLICANT’S HANDBOOK SECTION

10.1.2 When determining whether a permit applicant has provided reasonable assurances that District permitting standards will be met, the District shall take into consideration the applicant's violation of any Department rules adopted pursuant to Sections 403.91-403.929, F.S., (1984 Supp.), as amended, which the District had the responsibility to enforce pursuant to delegation, or any District rules adopted pursuant to part IV, chapter 373, F.S., relating to any other project or activity and efforts taken by the applicant to resolve these violations. The Department's delegation to the District to enforce Department rules is set forth in the Operating Agreement concerning Stormwater Discharge Regulation and Dredge and Fill Regulation, dated January 4, 1988; Operating Agreement concerning Management and Storage of Surface Waters Regulation and Wetland Resource Regulation between the St. Johns River Water Management District and Department of Environmental Regulation, dated August 28, 1992; and Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated August 25, 1994; Operating Agreement Concerning Regulation under Part IV, Chapter 373, F.S., and Aquaculture General Permits Under Section 403.814, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated December 3, 1998; and Operating Agreement Concerning Regulation Under Part IV, Chapter 373, F.S., between St. Johns River Water Management District and Department of Environmental Protection dated July 1, 2007, all incorporated by reference in Rule section 40C-4.091, F.A.C.

NAME OF PERSON ORIGINATING PROPOSED RULE: Thomas Mayton, Sr. Assistant General Counsel, Office of General Counsel, St. Johns River Water Management District, 4049 Reid Street, Palatka, Florida 32177-2529, (386)329-4108, suncom 860-4108

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Governing Board of the St. Johns River Water Management District

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 22, 2006

AGENCY FOR HEALTH CARE ADMINISTRATION

Medicaid

RULE NO.: 59G-5.020
RULE TITLE: Provider Requirements

PURPOSE AND EFFECT: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, January 2007. The major handbook revisions include updated information on Medicaid’s managed care plans, enrollment policy changes as a result of the National Provider Identifier (NPI), and the revised newborn enrollment policy for HMOs. In addition, the revised handbook includes policy clarifications and updated statutory references, definitions, and addresses and phone numbers. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider General Handbook, January 2007.

SUMMARY: The purpose of this rule amendment is to incorporate by reference the revised Florida Medicaid Provider General Handbook, January 2007. The effect will be to incorporate by reference in the rule the revised Florida Medicaid Provider General Handbook, January 2007.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.905, 409.906, 409.907, 409.908, 409.912, 409.913 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: Monday, March 19, 2007, 1:30 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Building #3, Conference Room B, Tallahassee, Florida
THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Karen Girard, Agency for Health Care Administration, Bureau of Medicaid Services, 2727 Mahan Drive, MS 20, Tallahassee, Florida 32308, (850)488-9711, girardk@ahca.myflorida.com

THE FULL TEXT OF THE PROPOSED RULE IS:

59G-5.020 Provider Requirements.

(1) All Medicaid providers enrolled in the Medicaid program and billing agents who submit claims to Medicaid on behalf of an enrolled Medicaid provider must comply with the provisions of the Florida Medicaid Provider General Handbook, ~~January 2007~~ ~~October 2003~~, ~~updated January 2004~~, which is incorporated by reference and available from the fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. A Paper copy of the handbook may be obtained by calling Provider Enrollment at (800)377-8216.

(2) The following forms that are included in the Florida Medicaid Provider General Handbook are incorporated by reference: ~~IRO5-07/2001, State of Florida, Provider Inquiry Form, Florida Medicaid Program~~; Temporary Emergency Medicaid Identification ~~Card Form~~, January ~~2007~~ ~~2004~~, one page; CF-ES 2681, Feb 2003, Notice and Proof of Presumptive Eligibility for Medicaid for Pregnant Women, one page; CF-ES Form 2014, Feb 2003, Authorization for Medicaid/Medikids Eligibility, one page; AHCA Form 5240-006, Unborn ~~Activation~~ ~~Activation~~ Form, January ~~2007~~ ~~2004~~, one page; CF-ES 2039, Sep 2002, Medical Assistance Referral, two pages; and the CTEC-07, Revised 03/2003, Crossover with TPL Claim and/or Adjustment Form, one page; ~~and ACS Florida Medicaid Claims Order Form, January 2004~~. The CF-ES forms are available from the Department of Children and Family Services. The other forms are available from the Medicaid fiscal agent's website at <http://floridamedicaid.acs-inc.com>. Click on Provider Support, and then on Handbooks. Paper copies of the forms may be obtained by calling Provider Enrollment at (800)377-8216.

Specific Authority 409.919 FS. Law Implemented 409.902, ~~409.905~~, 409.906, 409.907, 409.908, 409.912, 409.913 FS. History—New 9-22-93, Formerly 10P-5.020, Amended 7-8-97, 1-9-00, 4-24-01, 8-6-01, 10-8-03, 1-19-05, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Karen Girard

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Andrew Agwunobi, M.D.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: October 13, 2006

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Board of Architecture and Interior Design

RULE NO.: 61G1-11.013
RULE TITLE: Definitions

PURPOSE AND EFFECT: The Board proposes the rule amendment in order to remove the definition of "intern-architect" from the rule.

SUMMARY: The definition of "intern-architect" will be removed from the rule.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 481.2055 FS.

LAW IMPLEMENTED: 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Juanita Chastain, Executive Director, Board of Architecture and Interior Design, 1940 North Monroe Street, Tallahassee, Florida 32399-0750

THE FULL TEXT OF THE PROPOSED RULE IS:

61G1-11.013 Definitions.

(1) No change.

~~(2) An "intern-architect" as a term is used in Rule 61G1-13.0021, F.A.C., means an individual who has completed all requirements of the first three academic years in a professional program in architecture which is approved by the Board, and has an approved application for licensure as an architect (by examination) on file with the Board office.~~

~~(2)(3) No change.~~

~~(3)(4) No change.~~

Specific Authority 481.2055 FS. Law Implemented 481.203, 481.211, 481.221(4), (8), 481.229(1)(c) FS. History—New 12-23-79, Amended 2-24-83, 10-27-83, 12-29-83, Formerly 21B-11.13, Amended 11-12-89, 2-14-91, 5-5-91, 12-26-91, Formerly 21B-11.013, Amended 11-15-93, 11-21-94, 1-10-99, 2-12-04, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Board of Architecture and Interior Design

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Architecture and Interior Design

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 16, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 2, 2007

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Florida Real Estate Appraisal Board

RULE NO.: 61J1-6.001
RULE TITLE: Experience Requirement

PURPOSE AND EFFECT: The Board proposes to amend the experience requirements in this rule to comply with Appraisal Committee Policy Statement #10.

SUMMARY: The experience requirements in this rule are amended to comply with Appraisal Committee Policy Statement #10.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 475.614, 475.615(2) FS.

LAW IMPLEMENTED: 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Thomas O'Bryant, Director, Division of Real Estate, 400 West Robinson Street, Hurston Building, North Tower, Suite N801, Orlando, Florida 32801

THE FULL TEXT OF THE PROPOSED RULE IS:

61J1-6.001 Experience Requirement.

(1) through (4) No change.

(5)(a) through (b)4. No change.

~~5. Experience will be verified by affidavit from the county property appraiser for whom the applicant works. In the case of the county property appraiser making application for certification, an affidavit as to experience from the applicant will suffice.~~

(c) through (e) No change.

(6) No change.

~~(7) An applicant for certification who is employed by state or local government in Florida or by the federal government may have the experience requirement verified by an official statement when the applicant, due to statutory restrictions on the release of appraisal related work product, is unable to verify experience in such a manner as provided by the Department. The experience for such an applicant must be verified by an official statement from a licensed or certified real estate appraiser who is in an appraisal supervisory capacity to the applicant. The filing of an official statement is enforceable pursuant to Section 837.06, Florida Statutes.~~

Specific Authority 475.614, 475.615(2) FS. Law Implemented 455.213, 475.611(1)(o), 475.615(2), 475.617, 475.628 FS. History—New 10-15-91, Formerly 21VV-6.001, Amended 9-22-93, 9-6-94, 2-19-98, 9-6-98, 12-12-99, 10-1-00, 6-1-04, 3-1-06, 12-4-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Florida Real Estate Appraisal Board

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Florida Real Estate Appraisal Board

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 10, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: January 10, 2007

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

RULE NO.: 62-302.800
RULE TITLE: Site Specific Alternative Criteria

PURPOSE AND EFFECT: On March 29, 2006, the Orange County Water Reclamation Division submitted a petition to initiate rulemaking to establish a site specific alternative criterion for pH in the discharge wetlands at the Orange County Eastern Water Reclamation Facility (EWRf). The Department conducted a public workshop in Orlando on November 28, 2006. The proposed rule establishes a site specific alternative criterion for pH in the discharge wetlands at the Orange County EWRf of not greater than 8.5 standard units. The proposed site specific alternative criterion is fully protective of the Class III designated use of the wetlands.

SUMMARY: The proposed rule amendment establishes a site specific alternative criterion for pH of not greater than 8.5 standard units in the discharge wetlands at the Orange County Eastern Water Reclamation Facility.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS.

LAW IMPLEMENTED: 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.201, 403.502 FS.

A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: March 29, 2007, 1:30 p.m.

PLACE: Orange County Eastern Water Reclamation Facility, 1621 South Alafia Trail, Orlando, Florida

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Eric Shaw with the Water Quality Standards and Special Projects Program at (850)245-8429. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Eric Shaw, Division of Water Resource Management, Mail Station 3560, Florida Department of

Environmental Protection, 2600 Blair Stone Road, Tallahassee, Florida 32399-2400, telephone (850)245-8429, email: Eric.Shaw@dep.state.fl.us, or facsimile (850)412-0663

THE FULL TEXT OF THE PROPOSED RULE IS:

62-302.800 Site Specific Alternative Criteria.

(1) through (4) No change.

(5) Site specific alternative criteria apply to the water bodies, or portions of the water bodies, listed below. For dissolved oxygen site specific alternative criteria, normal daily and seasonal fluctuations above the levels listed in the table below shall be maintained.

Water Body and Class
(a) Marine portions of the lower St. Johns River and its tributaries between Julington Creek and the mouth of the river. Class III.

Site Specific Alternative Criteria
Dissolved Oxygen not less than a minimum concentration of 4.0 mg/L, and a Total Fractional Exposure not greater than 1.0 over an annual evaluation period as defined by the following equation:

County(s)
Duval/Clay/
St. Johns

$$\left(\text{Total Fractional Exposure} \right) = \frac{\text{Days between } 4.0 - < 4.2 \text{ mg/L}}{16 \text{ day Max}} + \frac{\text{Days between } 4.2 - < 4.4 \text{ mg/L}}{21 \text{ day Max}} + \frac{\text{Days between } 4.4 - < 4.6 \text{ mg/L}}{30 \text{ day Max}} + \frac{\text{Days between } 4.6 - < 4.8 \text{ mg/L}}{47 \text{ day Max}} + \frac{\text{Days between } 4.8 - < 5.0 \text{ mg/L}}{55 \text{ day Max}}$$

where the number of days in an interval is based on the daily average Dissolved Oxygen concentration.
pH of not greater than 8.5 standard units.

(b) Discharge wetlands at the Orange County Eastern Water Reclamation Facility, Class III.

Orange

Specific Authority 403.061, 403.062, 403.087, 403.504, 403.704, 403.804, 403.805 FS. Law Implemented 403.021, 403.061, 403.087, 403.088, 403.141, 403.161, 403.201, 403.502 FS. History—Formerly 17-3.05(4), Amended 3-1-79, 10-2-80, 2-1-83, Formerly 17-3.031, Amended 6-17-92, Formerly 17-302.800, Amended 5-15-02, 1-9-06, 6-28-06, 12-7-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Mimi Drew, Director, Division of Water Resource Management

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Mike Sole, Deputy Secretary

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: December 22, 2006

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, 2006

DEPARTMENT OF JUVENILE JUSTICE

Direct Support Organizations

RULE NOS.:	RULE TITLES:
63J-1.001	Direct Support Organization Functions and Bylaws
63J-1.002	Use of Department Property
63J-1.003	Disposition of Funds
63J-1.004	Budget

PURPOSE AND EFFECT: The proposed rule is intended to implement requirements governing the procedures and operation of direct support organizations.

SUMMARY: The rule establishes requirements governing the permissible and prohibited purposes of direct support organizations, conditions for use of department property, and department budget oversight.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 985.672(4)(c), 985.64 FS.

LAW IMPLEMENTED: 985.672 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Tuesday, March 20, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., General Counsel's Conference Room 312, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63J-1.001 Direct Support Organization Functions and Bylaws.

(1) The Direct Support Organization (DSO) of the department shall adopt by-laws.

(2) Bylaw provisions shall include, but are not limited to, the following:

- (a) Description of the DSO, including name and purpose;
- (b) Structure and organization;
- (c) Prohibited activities;
- (d) Board of directors, officers and committees;
- (e) Meetings and quorum;
- (f) Staff Assistance;
- (g) Fiscal procedure; and
- (h) Amendment of bylaws.

Specific Authority 985.672(4)(c), 985.64 FS. Law Implemented 985.672 FS. History–New _____.

63J-1.002 Use of Department Property.

The DSO is authorized to use department property, facilities and personal services as determined by the Secretary. Such use shall be authorized when the use benefits the department or the juvenile system and to the extent consistent with the department's mission of ensuring public safety and preserving the confidentiality of youth identifying information.

Specific Authority 985.672(4)(c), 985.64 FS. Law Implemented 985.672 FS. History–New _____.

63J-1.003 Disposition of Funds.

The DSO's board of directors shall provide for the receipt, deposit and withdrawal of all funds consistent with the following provisions:

(1) Depository withdrawals shall be on numerically controlled checks signed by two (2) persons authorized by the board.

(2) All funds received from all sources shall be deposited intact in a designated depository as soon as practicable and a record shall be kept to identify the payer, the amount, and the purpose. Funds received from federal sources shall be accounted for separately, but may be deposited in a bank account with other corporate funds except when the terms of such receipt require a separate depository account.

Specific Authority 985.672(4)(c), 985.64 FS. Law Implemented 985.672 FS. History–New _____.

63J-1.004 Budget.

The DSO shall submit its annual budget to the Secretary or the Secretary's designee for review no later than May 1 of each year.

Specific Authority 985.672(4)(c), 985.64 FS. Law Implemented 985.672 FS. History–New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Shareta Wright, Office of Research & Planning

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Ted Tollett, Director, Office of Research & Planning

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: February 17, 2006

DEPARTMENT OF JUVENILE JUSTICE

Program Accountability

RULE NOS.:	RULE TITLES:
63L-1.001	Purpose and Scope
63L-1.002	Definitions
63L-1.003	Quality Assurance Standards
63L-1.004	Quality Assurance Peer Reviewers
63L-1.005	Conducting Quality Assurance Reviews
63L-1.006	Challenges to Quality Assurance Reports
63L-1.007	Waivers and Alternative Compliance Measures
63L-1.008	Conditional Status
63L-1.009	Failure to Meet Minimum Levels of Performance or Compliance
63L-1.010	Internal Review Board
63L-1.011	Quality Assurance Reporting Requirements

PURPOSE AND EFFECT: Establishing the standards and requirements for the department's statewide quality assurance system.

SUMMARY: Quality assurance standards are referenced for each type of program, and a process is established by which programs are reviewed. Consequences for noncompliance or failure to meet minimum levels of performance are described, and an internal review process is established.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 985.632, 985.64 FS.

LAW IMPLEMENTED: 985.632 F.S.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW:

DATE AND TIME: Monday, March 19, 2007, 10:00 a.m.

PLACE: DJJ Headquarters, 2737 Centerview Dr., Room 108, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: John Milla, 2737 Centerview Dr., Ste. 312, Tallahassee, FL 32399-3100, e-mail: john.milla@djj.state.fl.us

THE FULL TEXT OF THE PROPOSED RULES IS:

63L-1.001 Purpose and Scope.

The rule establishes the standards and requirements for the department's statewide quality assurance system.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History--New _____.

63L-1.002 Definitions.

(1) Acceptable Performance Rating – A quality assurance rating at the standard and overall performance levels between 70%-79%.

(2) Alternative Compliance Measure – The use of a process, procedure, or practice not outlined in DJJ policy, to accomplish the same objective required in the applicable department policy, as long as the request does not negatively impact staff safety, youth safety, security, treatment, conditions of confinement, public safety, the officer certification process, or another branch of the department.

(3) Assistant Secretary – The person responsible for the management and operation of the respective branch of the department.

(4) Chief Probation Officer – The person responsible for the oversight of community corrections programs in the respective circuit.

(5) Chief of Quality Assurance – The person responsible for the management and operation of the Bureau of Quality Assurance.

(6) Compliance Key Indicator – A key indicator rated based on whether a program's policies, procedures, and practices comply with department policy, law, or administrative rule. Compliance key indicators are rated "full compliance," "substantial compliance," or "non-compliance."

(7) Conditional Status – The status of any program that fails to meet the minimum levels of performance of any standard in the Quality Assurance process.

(8) Contract – A formal written agreement between the department and an individual or organization for the procurement of services.

(9) Contract Manager – The employee of the department who is responsible for enforcing performance of the contract terms and conditions, and serves as a liaison between the department and the contract provider.

(10) Contract Provider – The entity under contract with the department to provide services to youth.

(11) Exit Conference – A formal meeting at the end of a quality assurance on-site review in which the quality assurance team members provide the preliminary findings of the QA review to the management and staff of the program.

(12) Failure to Meet Minimum Levels of Performance – A quality assurance performance score at the standard or overall performance levels between 0% to 59%.

(13) Full Compliance – The program is predominantly meeting the requirements of the key indicator the vast majority of the time. A slight exception may be noted with either policy, procedure, or practice.

(14) Internal Review Board – The panel empowered to recommend to the Secretary of the department for or against cancellation of a contract for failure to meet the minimum levels of performance for a second consecutive time during a 6-month period.

(15) Juvenile Justice Information System (JJIS) – The Juvenile Justice Information System (JJIS) is a computer application that allows the Department of Juvenile Justice (DJJ) to collect information and generate reports on youth under its custody. Information is processed through assessment centers, detention centers and interaction with juvenile probation officers and commitment managers. This information allows the DJJ to track the location and status of youth assigned to the custody of DJJ.

(16) Key Indicator – The basic level of evaluation in the quality assurance system. Key indicators are used to determine if a program is meeting a standard.

(17) Lead Reviewer – The Bureau of Quality Assurance professional staff member who plans, organizes, directs, and supervises a quality assurance on-site review. The lead reviewer compiles all data from the review and completes the quality assurance program report.

(18) Minimal Performance – A quality assurance rating at the standard and overall performance levels of 60% to 69%.

(19) Monitoring – The acquisition, review, and reporting of information about provider compliance with the terms and conditions of the contract.

(20) Non-compliance – A compliance rating indicating that the program is not meeting the requirements of the key indicator or the policy. Numerous deficiencies were noted in policy, procedure, or practice.

(21) Non-performance – A performance rating indicating the items, elements, or actions necessary to accomplish the indicator are missing or are done so poorly that they do not contribute to the accomplishment of the indicator or the overall standard. The rating will be a 0.

(22) Partial Performance – A rating indicating that a program is not consistently accomplishing policy requirements. Frequent deficiencies in the policy occur or the program is ineffective in implementing the policy. The rating will be a 4 or 5.

(23) Peer Reviewer – A juvenile justice professional at the supervisor/manager level or above who has been certified as a quality assurance peer reviewer and who has been chosen to participate as a quality assurance team member.

(24) Program – Any state operated or contracted general revenue funded prevention or diversion program, residential commitment program, Sheriff’s Training and Respect (STAR) program, juvenile detention center, community corrections program, Day Treatment Program, Children in Need of Services/Families in Need of Services (CINS/FINS) Program, PACE Program, Juvenile Alternative Service Program (JASP), or Intensive Delinquency Diversion Services (IDDS) program operated by or under contract with the department as listed in the JJIS.

(25) Program components – The key programming areas defined for the different program models used to determine a score. The key programming areas defined for the different program models include:

(a) Residential Commitment programs and STAR programs:

1. Management Accountability;
2. Screening, Assessment, and Orientation;
3. Treatment Services;
4. Healthcare Services;
5. Food Services; and
6. Conditional Release if applicable.

(b) Detention:

1. Management Accountability;
2. Screening and Classification;
3. Treatment Services;
4. Healthcare Services; and
5. Food Services.

(c) Children in Need of Service and Families in Need of Services (CINS/FINS):

1. Management Accountability;
2. Centralized Screening and Intake;
3. Temporary Shelter Care;
4. Healthcare Services; and
5. Food Services.

(d) Day Treatment:

1. Management Accountability;
2. Screening, Classification, and Orientation;
3. Treatment Services;
4. Healthcare Services;
5. Food Services; and
6. Conditional Release.

(e) Probation and Community Corrections:

1. Administration: program management and training and staff development;
2. Core Services: detention screening, intake, case management and supervision of committed youth in residential care, probation supervision, and conditional release.

(f) Intensive Delinquency Diversion Services (IDDS):

1. Management, Leadership and Community Relations; and
2. Case Management Service Plans.

(g) PACE Center for Girls:

1. Administration;
2. Program Management, Training and Staff Development;
3. Core Services: admissions, social services and treatment planning, and health services;
4. Safety: sanitation and emergency procedures; and
5. Educational Services.

(h) Juvenile Alternative Services Program (JASP):

1. Management, Leadership and Community Relations; and
2. Case Management Diversion Plans.

(26) Program Manager and Supervisor – The program director or corporate official who is responsible for the operation of residential and correctional facilities, detention superintendents who are responsible for the operation of detention centers, program directors or corporate officials who operate or are responsible for the operation of community corrections programs, and juvenile probation officer supervisors who are responsible for the management and supervision of community corrections programs.

(27) Program Monitor – The department employee who provides contract oversight for department-operated and contract provider-operated programs.

(28) Quality Assurance – The process for the statewide assessment of the performance of program operations, management, governance, and service delivery based on an established set of standards.

(29) Quality Assurance Standards – The established set of standards used to evaluate program performance in department operated or contracted programs.

(30) Regional Director – The department employee responsible for the oversight of residential and correctional programs, probation and community corrections, and detention centers in a respective region.

(31) Re-review – A quality assurance review conducted at a program within 6 months when a program has failed to meet the minimum levels of performance set by the department.

(32) Residential Program – Any residential commitment program including STAR programs, Intensive Residential Treatment Programs, Sex Offender Programs, and Serious Habitual Offender Programs.

(33) Safety and Security Monitor – The designated department employee responsible for monitoring safety and security in juvenile justice residential and correctional facilities.

(34) Satisfactory Performance – A quality assurance rating that indicates the program consistently accomplishes all policy requirements in an effective manner. The items, elements, or actions necessary to accomplish the policy are prevailing practice though minor deficiencies may occur occasionally. The rating will be a 6, 7, or 8.

(35) Substantial Compliance – A quality assurance rating that indicates the program is not meeting all the requirements of the key indicator. There were some deficiencies in either policy, procedure, or practice. The rating will be a 5.

(36) Superior performance – A quality assurance rating that indicates the program consistently exceeds all policy requirements with either an innovative approach or an exceptional, program-wide dedication to performance that is readily apparent. There is evidence of very few, if any, exceptions to this. The rating will be a 9 or 10.

(37) Waiver – The authorization by the Secretary of the department to allow a program, facility or service to forego a specific department policy or a portion thereof when implementation of the waiver does not negatively impact staff safety, juvenile safety, security, treatment, conditions of confinement, public safety, the officer certification process, or another branch of the department.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New _____.

63L-1.003 Quality Assurance Standards.

(1) Quality assurance standards shall reflect state and federal laws, administrative rules, and, as incorporated herein, departmental policies, procedures, and manuals relating to each program type. The following quality assurance standards

are incorporated by reference and are available at the department’s website (<http://www.djj.state.fl.us/QA/index.html>):

(a) Children/Families in Need of Services (CINS/FINS) Programs, revised 12/8/2006.

(b) Community Corrections Programs, revised 11/2004.

(c) Day Treatment Programs, revised 12/8/2006.

(d) Detention Programs, revised 12/8/2006.

(e) Intensive Delinquency Diversion Programs (IDDS), revised 11/1/2006.

(f) Juvenile Alternative Services Programs (JASP), revised 11/1/2006.

(g) Practical and Cultural Education (PACE) Programs, revised 11/2004.

(h) Residential Commitment Programs, revised 9/1/2006.

(2) Quality assurance standards shall incorporate requirements as set forth in Section 985.632(4)(b), F.S.

(3) A program shall comply with all quality assurance standards and key indicators.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New _____.

63L-1.004 Quality Assurance Peer Reviewers.

(1) The following programs shall provide a minimum of one employee from each program in operation to participate as a peer reviewer on at least one on-site quality assurance review during the current QA review cycle, in a judicial circuit other than the circuit in which the program is located.

(a) Day Treatment Programs;

(b) Intensive Delinquency Diversion Programs (IDDS);

(c) Juvenile Alternative Services Programs (JASP);

(d) Practical and Cultural Education (PACE) Programs;

(e) Contracted Community Corrections Programs.

(2) Each CINS/FINS program shall provide a minimum of two employees to participate as a peer reviewer on at least one on-site quality assurance review during the current QA review cycle, in a judicial circuit other than the circuit in which the program is located.

(3) Each residential commitment program (as listed in the JJIS) and detention center shall provide a minimum of one employee each year for every seventy-five beds or slots or fraction thereof in excess of 75 beds or slots to participate as a peer reviewer on at least one on-site quality assurance review during the current QA review cycle, in a judicial circuit other than the circuit in which the program is located.

(4) The Chief Probation Officer in each judicial circuit shall provide the number of employees identified by the department’s quality assurance office as necessary to conduct reviews of community corrections programs. Identified staff will participate on a review in a judicial circuit other than the circuit in which their office is located.

(5) Participation on a quality assurance review shall be at the program's expense. Travel, lodging, and per diem for participation in the quality assurance peer review certification training shall be at the provider's expense.

(6) A program shall ensure that all employees who participate on a quality assurance review are program managers or supervisors and possess at least a Bachelor's degree from an accredited university and have a minimum of 3 years experience working with youth. Exceptions shall be allowed when approved by the regional director or CEO of the organization and the Chief of Quality Assurance when the individual does not have a Bachelor's degree but has a minimum of 4 years experience in juvenile justice programs and is in a management position.

(7) All employees who participate on a quality assurance review must successfully complete the quality assurance peer review certification training. Twenty hours of training will be awarded to all participants in the quality assurance peer review certification training

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History--New _____.

63L-1.005 Conducting Quality Assurance Reviews.

(1) Quality assurance reviews shall be unannounced.

(2) All residential commitment programs, detention centers, and residential CINS/FINS programs shall be reviewed each year.

(3) All non-residential programs and supervision programs shall be reviewed every other year. During the off year, the program shall submit a self-report of critical data and activities to the Bureau of Quality Assurance.

(4) A full review shall be conducted any time the department deems the program to be at risk.

(5) Program managers and supervisors shall implement internal systems to ensure all documents requested by the department are available during a quality assurance review.

(6) A program manager/supervisor shall provide files and other documentation requested by a quality assurance team without unnecessary delay. The lead reviewer in consultation with the program director shall determine the amount of time necessary for the program to provide the requested files and other documentation.

(7) The lead reviewer shall have the authority to grant the provider an extension that does not exceed 2 working days of the exit conference.

(8) A lead reviewer shall conduct a daily debriefing with the program director and invited guests to review positive and negative factors and to request additional information as needed.

(9) A lead reviewer shall conduct a pre-exit meeting with the program director and other key program personnel to highlight preliminary findings.

(10) A formal exit conference shall be conducted to explain the preliminary ratings and findings of the review team to the program director and other parties attending the exit conference. The exit conference can be waived upon written request of the program manager/supervisor or at the request of the Chief of Quality Assurance.

(11) All exit conferences shall be audio taped by the quality assurance team leader.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History--New _____.

63L-1.006 Challenges to Quality Assurance Reports.

(1) A draft report shall be e-mailed to the program director to review for accuracy of findings.

(2) A program director or designee shall have 5 working days to review the report and respond to the department with any challenges related to accuracy, wording, or ratings within the draft report.

(3) Only key indicators rated in the partial performance, non-performance, or non-compliance ranges can be challenged.

(4) The area quality assurance program administrator shall attempt to reach an agreeable resolution of findings that are disputed by the program director.

(5) If the program director is not satisfied with the resolution, the issue will be raised to the Bureau Chief of Quality Assurance who will consult with the Assistant Secretary of the appropriate to arrive at a joint resolution.

(6) Actions that the provider has taken since the quality assurance site visit and/or files and other documentation that were not provided to the lead reviewer within 2 working days of the exit conference, shall not be addressed or considered by the department.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History--New _____.

63L-1.007 Waivers and Alternative Compliance Measures.

(1) It shall be the responsibility of program managers and supervisors to request a waiver to department policy or to request to utilize an alternative compliance measure when they believe they should not be held to department policy, or have an alternative method to comply with such policy, and the request does not negatively impact staff safety, juvenile safety, security, treatment, conditions of confinement, public safety, the officer certification process, or another branch of the department.

(2) Waivers shall be sent to the regional director and assistant secretary of the respective branch.

(3) A request for a waiver or a request to utilize an alternative compliance measure shall be submitted to the assistant secretary through the regional director and approved by the Secretary prior to the quality assurance on-site review.

(4) A decision to deny a request for a waiver or a request to utilize an alternative compliance measure shall be made by the Assistant Secretary of the branch in which the request applies.

(5) A decision to grant a request for a waiver or a request to utilize an alternative compliance measure shall be made by the Secretary of the department or designee.

(6) The Secretary or designee shall not have the authority to issue a waiver or approve a request to use an alternative compliance measure for any action that is required by Florida Statutes or Florida Administrative Code.

(7) A waiver or approval to use an alternative compliance measure shall be in effect for one year from the signature date on the approval letter unless otherwise specified in writing on the approval.

(8) The department shall have the authority to cancel a Waiver or Alternative Compliance Measure if it is determined that it is not effective or if it has negatively impacted staff safety, juvenile safety, security, treatment, conditions of confinement, public safety; the officer certification process, or another branch of the department.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New _____.

63L-1.008 Conditional Status.

(1) A program shall be placed on Conditional Status when it fails to meet the minimum levels of performance for any quality assurance standard.

(2) The program shall initiate a corrective action plan within thirty calendar days of publication of the quality assurance report to address correction of deficiencies.

(3) Corrective action plans shall include:

(a) Identification of the deficiency documented in the quality assurance report;

(b) Identification of tasks necessary to correct the deficiency;

(c) Identification of persons responsible for completion of the tasks;

(d) Periodic progress reports; and

(e) Target dates for completion.

(4) The contract monitor and/or safety and security monitor shall provide intensive monitoring and technical assistance until program performance is improved.

(5) Contract action shall be taken within six months of the posting of the quality assurance report when the contract monitor finds a contracted program has failed to improve in deficient areas.

(6) If a department-operated program fails to improve, corrective action shall be taken that includes, but is not limited to:

(a) Initiating appropriate disciplinary action against all employees whose conduct or performance is deemed to have materially contributed to the program's failure to meet established minimum thresholds;

(b) Redesigning the program; or

(c) Realigning the program.

(7) A program shall be removed from Conditional Status upon the successful completion of corrective actions and upon the notification of the appropriate Assistant Secretary to the Chief of Quality Assurance.

(8) If specialized training or technical assistance is needed to improve treatment services or a programs behavior management system, the program will be referred to the department's technical assistance unit.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New _____.

63L-1.009 Failure to Meet Minimum Levels of Performance or Compliance.

(1) A program shall fail to meet the minimum levels of performance or compliance set by the department when the quality assurance performance score is between 0% to 59%.

(2) A re-review shall be conducted at the program within six months of publication of the quality assurance report to determine if corrective actions and program improvements have caused the program to meet the minimum levels or performance or compliance.

(3) If a program fails to meet the minimum standards upon a re-review, the department shall cancel the provider's contract unless the provider has proved there are documented extenuating circumstances that led to the failure to meet the minimum thresholds of performance in accordance with Section 985.632(4)(b), F.S.

(4) When a program fails a second review in a 6-month period, and cancellation of the provider's contract is being pursued, a provider shall have the right to submit information to the Internal Review Board that documents extenuating circumstances that led to the failure to meet the minimum threshold of performance.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History–New _____.

63L-1.010 Internal Review Board.

(1) The department shall establish an Internal Review Board chaired by the Deputy Secretary of the department. Membership shall include the Chief of Staff, the Assistant Secretary for the branch of the program reviewed, and the General Counsel.

(2) The Internal Review Board shall meet to determine if there are documented extenuating circumstances that contributed to the program failing to meet the minimum standards of performance following a quality assurance re-review.

(3) The department shall serve the provider with written notice of the proposed meeting by registered or certified mail, return receipt requested.

(4) A provider shall have 10 working days from receipt of the certified letter to present any documented extenuating circumstances, in writing, to the Deputy Secretary.

(5) If a provider fails to respond within 10 working days, the department shall proceed with cancellation of the contract without review.

(6) If the provider submits information stating that there were documented extenuating circumstances that impacted their performance, the Internal Review Board shall review and consider the documentation as well as any other pertinent information.

(7) A provider shall be given an opportunity to present information in person or via conference call.

(8) The Internal Review Board shall consider all information and make a recommendation to the Secretary within 30 working days from the Internal Review Board meeting.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History—New _____.

63L-1.011 Quality Assurance Reporting Requirements.

The department shall submit an annual report to the legislature that includes all information incorporated in Section 985.632(4)(b), F.S., no later than February 1st of each year, as part of the Comprehensive Program Accountability Report.

Specific Authority 985.632, 985.64 FS. Law Implemented 985.632 FS. History—New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
John Criswell, Chief of Quality Assurance
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Eleese Davis, Director, Office of Program Accountability
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 12, 2007
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: March 24, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-9.009
RULE TITLE: Standard of Care for Office Surgery
PURPOSE AND EFFECT: The proposed rule amendments are intended to clarify training requirements for those physicians who perform Level II and Level III office surgery.
SUMMARY: The proposed rule amendments clarify background, training and experience requirements for those physicians who perform Level II and Level III office surgery.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309(1), 458.331(1)(v) FS.
LAW IMPLEMENTED: 458.331(1)(g), (t), (v), (w), 458.351 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin # C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-9.009 Standard of Care for Office Surgery.

NOTHING IN THIS RULE RELIEVES THE SURGEON OF THE RESPONSIBILITY FOR MAKING THE MEDICAL DETERMINATION THAT THE OFFICE IS AN APPROPRIATE FORUM FOR THE PARTICULAR PROCEDURE(S) TO BE PERFORMED ON THE PARTICULAR PATIENT.

- (1) through (3) No change.
- (4) Level II Office Surgery.
 - (a) No change.
 - (b) Standards for Level II Office Surgery.
 - 1. No change.
 - 2. Training Required.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board eligibility by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to establish comparable background, training, and experience. Such Board certification or comparable background, training and experience must also be directly related to and include the procedure(s) being performed by the physician in the office surgery facility. ~~One (1) assistant must be currently certified in Basic Life Support and the surgeon must be currently certified in Advanced Cardiac Life Support.~~

b. One (1) assistant must be currently certified in Basic Life Support and the surgeon must be currently certified in Advanced Cardiac Life Support.

- 3. through 4. No change.
- (5) No change.
- (6) Level III Office Surgery.

(a) No change.

(b) Standards for Level III Office Surgery. In addition to the standards for Level II Office Surgery, the surgeon must comply with the following:

1. Training Required. Rule 64B8-9.009, F.A.C.

a. The surgeon must have staff privileges at a licensed hospital to perform the same procedure in that hospital as that being performed in the office setting or must be able to document satisfactory completion of training such as Board certification or Board qualification by a Board approved by the American Board of Medical Specialties or any other board approved by the Board of Medicine or must be able to demonstrate to the accrediting organization or to the Department comparable background, training and experience. Such Board certification or comparable background, training and experience must also be directly related to and include the procedure(s) being performed by the physician in the office surgery facility. In addition, the surgeon must have knowledge of the principles of general anesthesia.

b. No change.

2. through 4. No change.

Specific Authority 458.309(1), 458.331(1)(v) FS. Law Implemented 458.331(1)(g), (t), (v), (w), 458.351 FS. History--New 2-1-94, Amended 5-17-94, Formerly 61F6-27.009, Amended 9-8-94, 11-15-94, Formerly 59R-9.009, Amended 2-17-00, 12-7-00, 2-27-01, 8-1-01, 8-12-01, 3-25-02, 3-22-05, 4-19-05, 10-23-05, 10-10-06,_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Surgical Care Committee, Board of Medicine

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Board of Medicine

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 3, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: May 5, 2006

DEPARTMENT OF HEALTH

Board of Medicine

RULE NO.: 64B8-37.001
RULE TITLE: Minimum Qualifications for the Performance of Electromyography

PURPOSE AND EFFECT: The proposed rule is intended to address the minimum qualifications for the performance of electromyography by physical therapists.

SUMMARY: The proposed rule sets forth the minimum qualifications for the performance of electromyography by physical therapists.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 458.309, 486.021(11) FS.

LAW IMPLEMENTED: 486.021(11) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Larry McPherson, Jr., Executive Director, Board of Medicine/MQA, 4052 Bald Cypress Way, Bin #C03, Tallahassee, Florida 32399-3253

THE FULL TEXT OF THE PROPOSED RULE IS:

64B8-37.001 Minimum Qualifications for the Performance of Electromyography.

Pursuant to Section 486.021(11), Florida Statutes, the Board of Medicine sets forth the following criteria for the performance of electromyography by physical therapists.

(1) Before a physical therapist may perform electromyography as an aid to the diagnosis of any human condition, he must be trained and competent in:

(a) Inserting and adjusting electrodes.

(b) Reading and identifying normal and abnormal signals on the grid.

(c) Interpreting the audible signals.

(2) In addition to the requirements of subsection (1) a physical therapist must receive no less than the following formal education within an accredited post-secondary educational institution:

(a) Human dissection.

(b) Human physiology.

(c) Neurology.

(d) Neuro-anatomy and neuro-physiology offered at a graduate level.

(e) Pathological conditions.

(3) In addition to having completed the formal study requirements of subsection (2) outlined above, the physical therapist must have completed 200 hours of testing human subjects under the direct supervision of a licensed physician or licensed physical therapist who has previously met these qualifications and should be able to present evidence of having performed 100 tests on neurologically involved patients, with findings corroborated by a licensed physician or licensed physical therapist who has previously met these qualifications.

Specific Authority 458.309, 486.021(11) FS. Law Implemented 486.021(11) FS. History--New _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
 Rules Committee, Board of Medicine
 NAME OF SUPERVISOR OR PERSON WHO APPROVED
 THE PROPOSED RULE: Board of Medicine
 DATE PROPOSED RULE APPROVED BY AGENCY
 HEAD: February 3, 2007
 DATE NOTICE OF PROPOSED RULE DEVELOPMENT
 PUBLISHED IN FAW: December 29, 2006

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

Economic Self-Sufficiency Program

RULE NO.: 65A-1.712
 RULE TITLE: SSI-Related Medicaid Resource Eligibility Criteria

PURPOSE AND EFFECT: Amendments to the proposed rule revise Medicaid policies in accordance with federal law, the Deficit Reduction Act (DRA) of 2005. The DRA provides for reform in the treatment of assets in the institutional Medicaid eligibility determination. It also adds policies for hearing officers on when and how they can adjust a community spouse resource allowance or a community spouse income allowance under spousal impoverishment provisions in subsection (4) of the rule.

SUMMARY: Proposed amendments revise the language to the rule to be consistent with federal requirements regarding transfer of assets provisions and the treatment of assets.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding a statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 409.919 FS.

LAW IMPLEMENTED: 409.902, 409.903, 409.904, 409.906, 409.919 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 20, 2007, 1:30 p.m.
 PLACE: 1317 Winewood Boulevard, Building 3, Room 455, Tallahassee, FL 32399

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pat Whitford, Economic Self-Sufficiency Services, Telephone (850)410-3479

THE FULL TEXT OF THE PROPOSED RULE IS:

65A-1.712 SSI-Related Medicaid Resource Eligibility Criteria.

(1) No change.

(a) through (e) No change.
 (f) For a Home and Community Based Waiver Services the Traumatic Brain Injury and Spinal Cord Injury Waiver Program an individual cannot have countable resources that exceed \$2,000. If the individual's income falls within the MEDS-AD Demonstration Demonstration Waiver limit, the individual can have resources up to \$5,000. ~~No penalties apply to transfers of assets or resources made to spouses. But penalties may apply to transfers to others. Spousal Impoverishment policies do not apply.~~

(2) No change.

(a) No change.

~~(b) The value of a life estate interest in real property is excluded.~~

(c) through (f) renumbered (b) through (e) No change.

(f) An individual who is a beneficiary under a qualified state Long-Term Care Insurance Partnership Policy issued after (effective date) is given a resource disregard equal to the amount of the insurance benefit payments made to or on behalf of the individual for long term care services when determining if the individual's countable resources are within the program limits to qualify for Medicaid nursing home care.

(3) Transfer of Resources and Income. According to 42 U.S.C. § 1396p(c), if an individual, the spouse, or their legal representative, disposes of resources or income for less than fair market value on or after the look back date, the department must presume that the disposal of resources or income was to become Medicaid eligible and impose a period of ineligibility for nursing facility care services, institutional hospice or HCBS waiver services. The department will mail a notice to individuals who report a transfer without fair compensation (Form CF-ES 2264, PDF 04/2002, Notice of Determination of Resource/Income Transfer and Form CF-ES 2264A, Feb 2007, Rebuttal/Hardship Request, incorporated herein by reference), advising of the opportunity to rebut the presumption and of the opportunity to request and support a claim of undue hardship per subparagraph (c)5. below. The look back period is 36 months prior to the date of application, except in the case of a trust treated as a transfer in which case the look back period is 60 months prior to the date of application. ~~These transfer policies apply to actual transfers made by applicants for institutional Hospice services that occur on or after October 1, 1998.~~

(a) The department follows the policy for transfer of assets mandated by 42 U.S.C. §§1396p and 1396r. ~~For transfers prior to October 1, 1993, transfer policies apply only to transfers of resources. For transfers on or after October 1, 1993, Ttransfer policies apply to the transfer of income and resources.~~

(b) When funds are transferred to a retirement fund, including annuities, within the transfer look back period the department must determine if the individual will receive fair market compensation in their lifetime from the fund. If fair

compensation will be received in their lifetime there has been no transfer without fair compensation. If not, the establishment of the fund must be regarded as a transfer without fair compensation. Fair compensation shall be calculated based on life expectancy tables published by the Office of the Actuary of the Social Security Administration. See Rule 65A-1.716, F.A.C.

1. Individuals and their spouses must disclose their ownership interest in any annuity, including annuities that are not subject to the transfer of assets provision, and if purchased after (effective date) must name the state as a remainder beneficiary (for applicants at the time of approval or for recipients at time of annual review) in the first position for no more than the total amount of medical assistance paid on behalf of the annuitant or in the second position after the community spouse and/or minor or disabled child unless the spouse, child or their representative disposes of the remainder for less than fair market value.

2. A purchase of an annuity (and other transactions that change the course of an annuity payment or treatment of income or principal) made after (effective date) will be considered a transfer of assets without fair compensation unless the annuity meets all of the following criteria for applicants at the time of approval and recipients at the time of annual review: (a) the state is named as the primary beneficiary (or secondary as appropriate pursuant to subparagraph (b)1. above); (b) the annuity is irrevocable and non-assignable; (c) the annuity pays principal and interest in equal amounts during the term of the annuity, with no balloon or deferred payments; and (d) the annuity is actuarially sound based on standards published by the Office of the Chief Actuary of the Social Security Administration called the Period of Life Table as set forth in Rule 65A-1.716, F.A.C. (Life Expectancy Tables). Annuities purchased for the community spouse after (effective date) must name the state as primary (or secondary) beneficiary pursuant to subparagraph (b)1. above and must be actuarially sound based on the community spouse's age and the life expectancy tables.

3. Individual Retirement Accounts (IRAs) or annuities (as described in Section 408 of the Internal Revenue Code) established by an employee or employer are not considered under the transfer of assets provision but must still name the state as the primary remainder beneficiary in accordance with (b)1. above.

(c) No change.

1. through 4. No change.

5. A transfer penalty shall not be imposed if the department determines that the denial of eligibility due to transferred resources or income would work an undue hardship on the individual. Undue hardship exists when imposing a period of ineligibility would deprive an individual of food, clothing, shelter or medical care such that their life or health would be endangered. All efforts to access the resources or

income must be exhausted before this exception applies. The facility in which the institutionalized individual is residing may request an undue hardship waiver on behalf of the individual with their consent or the consent of the personal representative.

(d) No change.

1. through 2. No change.

3. Promissory notes, loans and mortgages signed after (effective date) will be considered transfers of assets without fair compensation to become Medicaid eligible unless the promissory notes, loans or mortgages meet all of the following criteria:

(a) the repayment term is actuarially sound in accordance with the Life Expectancy Tables as referenced in paragraph (b) 2.; (b) payments must be made in equal amounts during the term of the loan, with no deferral and no balloon payments being possible; and (c) debt forgiveness is not allowed. If these criteria are not met, for purposes of transfer of assets, the value of the promissory notes, loans or mortgages will be the outstanding balance due as of the date of application for long-term care services.

4. A life estate interest purchased in another individual's home after (effective date) is considered a transfer of assets without fair compensation. If the individual has not lived in the home for at least one year, the full amount of the purchase price paid for the life estate will be considered an uncompensated transfer without considering the value of the life estate. If the individual has resided in the home for at least one continuous year, the value of the life estate will be considered compensation and will be calculated by multiplying the current market value of the property by the life estate factor that corresponds to the individual's age. The life estate tables are incorporated by reference from the Social Security Administration's online Program Operations Manual System (SI 01140.120) as found in Appendix A-17 of the Department's online manual located at www.dcf.state.fl.us/ess/. Brief absences from the life estate property due to stays in a rehabilitation facility or vacations may not disrupt the client's residency in the home but the facts of each absence will be evaluated.

(e) through (f) No change.

(g) For transfers prior to (effective date), periods of ineligibility based on transfer policies are calculated beginning with the month in which the transfer occurred and the period of ineligibility cannot exceed 30 months if the transfer occurred prior to October 1, 1993. If the transfer occurred on or after October 1, 1993, the period of ineligibility shall be equal to the actual computed period of ineligibility, rounded down to the nearest whole number. For transfers made after (effective date), periods of ineligibility begin with the later of the following dates: (1) the day the individual meets all other factors of eligibility (including appropriate placement in a Medicaid nursing facility, enrollment in a Medicaid waiver or election of Hospice care) except for the transfer of assets

without fair compensation after applying for institutional care services; or (2) the first day of the month in which the individual transfers the asset; or (3) the first day following the end of an existing penalty period. The department shall not round down, or otherwise disregard, any fractional period of ineligibility of the penalty period but will calculate the period down to the day. There is no limit on the period of ineligibility for transfers which occur on or after October 1, 1993. Once the penalty period is imposed, it will continue although the individual may no longer meet all factors of eligibility and may no longer qualify for Medicaid non-institutional care benefits.

1. Monthly periods of ineligibility due to transferred resources or income are determined by dividing the total cumulative uncompensation value of all transferred resources or income computed in accordance with paragraph 65A-1.712(3)(f), F.A.C., by the average monthly private pay nursing facility rate at the time of application as determined by the department- (refer to paragraph 65A-1.716(5)(d), F.A.C.).

a. For transfers prior to (effective date), wWhere resources or income have been transferred in amounts or frequency or both that would make the calculated penalty periods overlap, the value of all transferred resources or income is added together and divided by the average cost of private nursing home care.

b. For transfers prior to (effective date), wWhere multiple transfers are made in such a way that the penalty for each would not overlap, each transfer is treated as a separate event with its own penalty period.

c. For transfers after (effective date), the uncompensated value of all transfers will be added together to arrive at one total value with a penalty period assigned.

2. through 3. No change.

(4) Spousal Impoverishment. The department follows 42 U.S.C. § 1396r-5 for resource allocation and income attribution and protection when an institutionalized individual, including a hospice recipient residing in a nursing facility, has a community spouse. Spousal impoverishment policies are not applied to individuals applying for, or receiving, HCBS waiver services, except for individuals in the Long-Term Care Community Diversion Program, the Assisted Living Facility waiver or the Cystic Fibrosis waiver.

(a) through (d) no change.

(e) If either spouse can verify that the community spouse resource allowance provides income that does not raise the community spouse's income to the State's MMMIA, the resource allowance may be revised through the fair hearing process to an amount adequate to provide such additional income as determined by the hearing officer. Effective (effective date) the hearing officers must consider all of the community spouse's income and all of the institutionalized spouse's income that could be made available to a community spouse. The hearing officers will base the revised community spouse resource allowance on the amount necessary to

purchase a single lifetime annuity that would generate a monthly payment that would bring the spouse's income up to the MMMIA (adjusted to include any excess shelter costs). The community spouse does not have to actually purchase the annuity. The community spouse will have the opportunity to present convincing evidence to the hearing officer that a single lifetime annuity is not a viable method of protecting the necessary resources for the community spouse's income to be raised to the State's MMMIA. If the community spouse requests that the revised allowance not be based on the earnings of a single lifetime annuity, the community spouse must offer an alternative method for the hearing officer's consideration that will provide for protecting the minimum amount of assets required to raise the community spouse's income to the State's MMMIA during their lifetime.

(f) Either spouse may appeal the post-eligibility amount of the community spouse income allowance through the fair hearing process and the allowance may be adjusted by the hearing officer if the couple presents proof that exceptional circumstances resulting in significant inadequacy of the allowance to meet the community spouse's needs exists. Exceptional circumstances that result in extreme financial duress include circumstances other than those taken into account in establishing maintenance standards for spouses. An example is when a community spouse incurs unavoidable expenses for medical, remedial and other support services which impact the community spouse's ability to maintain themselves in the community and in amounts that they could not be expected to be paid from amounts already recognized for maintenance and/or amounts held in resources. Effective (effective date), the hearing officers must consider all of the community spouse's income and all of the institutionalized spouse's income that could be made available to a community spouse. If the expense causing exceptional circumstances is a temporary expense, the increased income allowance must be adjusted to remove the expenses when no longer needed.

(g) No change.

(5) Other Resource Policies.

(a) Individuals shall not be eligible for long-term care services after (effective date), if the individual's equity interest in the individual's home exceeds \$500,000.

1. The individual's equity interest is based on the current market value of the home (including all contiguous property), minus any encumbrances such as a mortgage or other associated loans. Long-term care services include Medicaid services authorized under the Institutional Care Program, institutional hospice, home and community based waiver services and the Program of All Inclusive Care for the Elderly (PACE).

2. Paragraph (5)(a) does not apply if the individual's spouse, individual's child under age 21 or the individual's blind or disabled child (based on the federal definitions of "blindness" and "disability" in 20 CFR 416) of any age are residing in the institutionalized individual's home.

3. The home equity provision may be waived when denial of long-term care services would result in demonstrated hardship to the institutionalized individual.

4. The department will mail a notice to individuals whose home equity interest exceeds \$500,000 (Form CF-ES 2354, Feb 2007, Notice of Home Equity Interest Greater Than \$500,000 and Form CF-ES 2354A, Feb 2007, Request for Waiver of Home Equity Limit, incorporated herein by reference), advising of the opportunity to have the home equity interest policy waived.

(b) An individual's entrance fee in a continuing care retirement community or life care community shall be considered a resource available to the individual after (effective date), regardless of whether a refund is actually received, if the individual has the ability to use the entrance fee or the contract indicates the entrance fee may be used for care when the individual's income and assets are insufficient to pay for their care; the individual is eligible for a refund of any remaining entrance fee upon death or termination of the contract; and the entrance fee does not confer an ownership interest in the retirement community.

Specific Authority 409.919 FS. Law Implemented 409.902, 409.903, 409.904, 409.906, 409.919 FS. History--New 10-8-97, Amended 1-27-99, 4-1-03, 9-28-04, 8-10-06(1), 8-10-06(2)(+), 8-10-06(3),_____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Nathan Lewis
NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Jennifer Lange
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: September 5, 2006
DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 17, 2006

FINANCIAL SERVICES COMMISSION

Office of Insurance Regulation

RULE NO.:	RULE TITLE:
690-176.013	Notification of Insured's Rights and Standard Disclosure Form; Personal Injury Protection Benefits.

PURPOSE, EFFECT AND SUMMARY: To adopt revisions to Form OIR-B1-1149, Notification of Personal Injury Protection Benefits (Revised 8/30/06), to include a notice regarding rewards for reporting fraud or billing errors and the violations involved in solicitation to the notification of insured's rights under no-fault.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No Statement of Estimated Regulatory Cost was prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 624.308(1), 627.7401(1) FS.

LAW IMPLEMENTED: 624.307(1), 627.736, 627.7401, 627.745 FS.

IF REQUESTED IN WRITING WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE HELD AT THE DATE, TIME AND PLACE SHOWN BELOW (IF NOT REQUESTED, THIS HEARING WILL NOT BE HELD):

DATE AND TIME: March 22, 2007, 9:30 a.m.

PLACE: Room 116, Larson Building, 200 East Gaines Street, Tallahassee, Florida

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Michael Milnes, Property and Casualty Product Review, Office of Insurance Regulation, E-mail: Michael.Milnes@fldfs.com.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this program, please advise the Office at least 5 calendar days before the program by contacting the person listed above.

THE FULL TEXT OF THE PROPOSED RULE IS:

690-176.013 Notification of Insured's Rights and Standard Disclosure Form; Personal Injury Protection Benefits.

(1) Each insurer issuing a policy in this state providing personal injury protection benefits shall mail or deliver Form OIR-B1-1149 (Revised 8/30/06 rev. 10/01/03) "Notification of Personal Injury Protection Benefits" to an insured within 21 days after receiving from the insured notice of an automobile accident or claim involving personal injury to an insured who is covered under the policy.

(2) Form OIR-B1-1571 (1/04) "Standard Disclosure and Acknowledgement Form – Personal Injury Protection – Initial Treatment or Service Provided" shall be utilized by providers as described in Section 627.736(5)(e), F.S.

(3) The forms in subsections (1) and (2) are incorporated herein by reference, and are available from Property and Casualty Product Review ~~the Bureau of Property and Casualty Forms and Rates~~, 200 East Gaines St., Tallahassee, FL 32399-0330, or from the Office of Insurance Regulation ~~Department of Financial Services~~ website at www.floirfldfs.com and <http://www/floir.com/pcfrr/Documents/OIR-B1-1149.doc>.

Specific Authority 624.308(1), 627.7401(1) FS. Law Implemented 624.307(1), 627.736, 627.7401, 627.745 FS. History–New 10-1-94, Amended 12-6-00, 1-20-02, Formerly 4-176.013, Amended 3-8-04.

NAME OF PERSON ORIGINATING PROPOSED RULE: Michael Milnes, Product and Casualty Product Review, Office of Insurance Regulation

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Belinda Miller, Deputy Commissioner, Office of Insurance Regulation.

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: January 29, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: September 15, 2006

FINANCIAL SERVICES COMMISSION

Indexing Agency Orders

RULE NOS.:	RULE TITLES:
69T-8.001	Authority
69T-8.002	Purpose
69T-8.003	Public Inspection and Duplication
69T-8.004	Final Orders Required to be Indexed
69T-8.005	Listing of Final Orders
69T-8.006	Numbering of Final Orders
69T-8.007	System for Indexing Final Orders
69T-8.008	Maintenance of Records
69T-8.009	Accessibility of Final Orders

PURPOSE AND EFFECT: The amendments update the Office of Financial Regulation’s procedures regarding the indexing of final orders.

SUMMARY: The amendments update the Office of Financial Regulation’s procedures regarding the indexing of final orders. The numbering of final orders is amended to more accurately reflect the subject areas of the Office. Rule 69T-8.003, F.A.C., relating to public inspection and copying of final orders, is repealed; however, the substance of this rule has been moved to Rule 69T-8.009, F.A.C., for clarity. Rule 69T-8.005, F.A.C., relating to listing of final orders is repealed; however, the substance of the rule has been incorporated into Rule 69T-8.004, F.A.C., for clarity. The amendments also update statutory references.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) FS.

LAW IMPLEMENTED: 120.53 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Andrea Moreland, 200 East Gaines Street, Suite 118J, The Fletcher Building, Tallahassee, Florida 32399-0370, (850)410-9662

THE FULL TEXT OF THE PROPOSED RULES IS:

69T-8.001 Authority.

Rules 69T-8.001 through 69T-8.009, F.A.C., ~~These rules~~ regarding the indexing, management, preservation, and availability of final orders, are issued pursuant to Section 120.53, F.S., Section 120.533, F.S., and Chapter 1S-6, F.A.C., and have been approved by the Department of State pursuant to Section 120.53(1)(c) 120.53(2)(e), F.S.

Specific Authority 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) 120.533(1)(f) FS. Law Implemented 120.53 120.53(2)-(4) FS. History–New 10-26-92, Formerly 3-8.001 Amended.

69T-8.002 Purpose.

The purpose of Rules 69T-8.001 through 69T-8.009, F.A.C., ~~this chapter~~ is to provide public access to and availability of final orders.

Specific Authority 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History–New 10-26-92, Formerly 3-8.002, Amended.

69T-8.003 Public Inspection and Duplication.

~~All final orders shall be made available from the Office of Financial Regulation for public inspection and copying in accordance with Section 119.07, F.S.~~

Specific Authority 120.533(1)(f) FS. Law Implemented 119.07, 120.53(2)-(4) FS. History–New 10-26-92, Formerly 3-8.003, Repealed.

69T-8.004 Final Orders Required to be Indexed.

Final orders required to be indexed under Section 120.53(1)(a)2.c, F.S., are indexed in an electronic database that complies with Section 120.53(1)(a)2.b., F.S. Because the Office of Financial Regulation will be indexing its final orders through an electronic database, it will not be maintaining a hardcopy hierarchical subject-matter index of the orders. This action is taken in accordance with Section 120.53(1)(a)2.b., F.S. ~~For purposes of this chapter, final orders and final decisions issued pursuant to Sections 120.565, 120.57(1), (2), and (3), F.S., and Chapter 60K-9, F.A.C., shall be indexed in an electronic data base.~~

Specific Authority 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) 120.533(1)(f) FS. Law Implemented 120.53 120.53(2)-(4) FS. History–New 10-26-92, Formerly 3-8.004, Amended.

69T-8.005 Listing of Final Orders.

~~As all final orders and final decisions issued pursuant to Sections 120.565, 120.57(1), (2), and (3), F.S., and Chapter 60K-9, F.A.C., shall be indexed in an electronic data base, the agency shall not maintain a list independent from the data base of any final orders.~~

Specific Authority 120.533(1)(f) FS. Law Implemented 120.53(2)-(4) FS. History—New 10-26-92, Formerly 3-8.005, Repealed _____.

69T-8.006 Numbering of Final Orders.

(1) Final orders required to be indexed or listed will be numbered in accordance with the minimum indexing requirements specified in Rule 1S-6.002, F.A.C. In addition, the Office of Financial Regulation will add a suffix to the number representing the subject area designation. The numbering convention that will be used is as follows:

(a) Agency Designation. The Department of State has approved the agency designation of OFR for the Office of Financial Regulation.

(b) Two Part Number. The first part of the number represents the year that the order is issued. The second part of the number represents the numerical sequence of the order issued for that year beginning with the number “1” for each new calendar year. The first part of the number is separated from the second part by a dash.

(c) Order category. The OFR will use the categories specified in Rule 1S-6.002, F.A.C. In addition, the OFR will use the designation “OGA” to represent orders of general application issued under the Financial Institutions Codes, Title XXXVIII, Florida Statutes. The order category will be abbreviated as follows:

- DFO = Default Final Order
- DS = Declaratory statement
- EIFO = Emergency Immediate Final Order to Cease and Desist
- FOA = Final order application
- FOI = Final order informal proceeding
- FOF = Final order formal proceeding
- S = Stipulation
- AS = Agreed settlement
- CO = Consent order
- OGA = Order of general application

(d) Subject Area. The OFR will include one of the following subject area designations as a suffix:

- B = Financial Institutions
- F = Finance
- I = Financial Investigations
- M = Money Transmitters
- S = Securities

(2) An example of a number assigned to represent the first order of general application issued in calendar year 2007 in the subject area of financial institutions is as follows:

Agency Designation	Two-part number	Order Category	Subject Area
OFR	2007-1	OGA	B

(3) In the Office’s practice, all consent orders involve settlements. When an order is identified in the database as a “consent order,” the settlement that preceded the consent order is incorporated by reference in that consent order and is not separately indexed as an “agreed settlement.”

~~All final orders shall be sequentially numbered as rendered using a two part number separated by a dash with the first part before the dash indicating the year and the second part indicating the numerical sequence of the order issued for that year beginning with number 1 each new calendar year. The assigned agency designation prefix, which is OFR, shall precede the two part number. Immediately after the agency designation prefix, the agency shall include the division with jurisdiction abbreviated as follows:~~

- ~~AA— Division of Accounting and Auditing~~
- ~~A— Division of Administration~~
- ~~B— Division of Banking~~
- ~~F— Division of Finance~~
- ~~I— Division of Information Systems~~
- ~~S— Division of Securities and Investor Protection~~

~~After the two part number, orders of general application shall be designated “GA” and responses to petitions for declaratory statement shall be designated “DS”.~~

Specific Authority 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) ~~120.533(1)(f)~~ FS. Law Implemented 120.53 ~~120.53(2)-(4)~~ FS. History—New 10-26-92, Formerly 3-8.006, Amended _____.

69T-8.007 System for Indexing Final Orders.

(1) All final orders required to be indexed shall be maintained in an electronic ~~database data base~~ that allows users to search and retrieve the full text of agency orders by devising an ad hoc indexing system employing any logical terms in common usage which are contained in the orders of the agency.

(2) Persons desiring to search and retrieve agency orders may do so by contacting the agency clerk at (850)410-9896. The index shall be cumulative, made accessible to the public, and shall be updated ~~and made accessible to the public~~ at least every 120 days. The index shall be cumulative beginning March 1, 1992.

(3) The agency clerk shall ensure that final orders are entered into the ~~database data base~~.

Specific Authority 288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) ~~120.533(1)(f)~~ FS. Law Implemented 288.99(14)(b), 494.0011(2), 516.23(3), 520.994(5), 537.016(3), 655.012(2) ~~120.53(2)-(4)~~ FS. History—New 10-26-92, Formerly 3-8.007, Amended _____.

69T-8.008 Maintenance of Records.

Final orders that comprise final agency action and that must be indexed pursuant to Section 120.53, F.S., ~~this chapter~~ shall be permanently maintained by the agency pursuant to the retention schedule approved by the Department of State, Division of Library and Information Services.

Specific Authority ~~288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) +20.533(+)(#)~~ FS. Law Implemented ~~120.53 +19.041(2), +20.53(2) (4)~~ FS. History--New 10-26-92, Formerly 3-8.008, Amended.

69T-8.009 Accessibility of Final Orders.

(1) The agency shall make final orders accessible and available to the public by sequentially numbering and indexing final orders that are required to be indexed. The agency shall make the final orders available to the public for inspection and copying in accordance with Section 119.07, F.S.

(2) The agency clerk shall assist the public in obtaining information pertaining to final orders. The agency clerk may be contacted at (850)410-9896.

(3) The agency shall search and locate final orders required to be indexed.

(4) The agency maintains and stores such final orders in the offices of the agency at the Office of Financial Regulation, 200 E. Gaines Street, The Fletcher Building, Suite 526, Tallahassee, Florida. The office is open to the public between the hours of 8:00 a.m. and 5:00 p.m., excluding holidays and weekends.

Specific Authority ~~288.99(14)(b), 494.0011(2), 516.23(3), 517.03(1), 520.994(5), 537.016(3), 560.105(2), 655.012(2) +20.533(+)(#)~~ FS. Law Implemented ~~120.53 +20.53(2) (4)~~ FS. History--New 10-26-92, Formerly 3-8.009, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE IS: Andrea Moreland, 200 East Gaines Street, Suite 118J, The Fletcher Building, Tallahassee, Florida 32399-0370, (850)410-9662

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Finance

RULE NOS.:	RULE TITLES:
69V-560.102	Application Forms, Procedures and Requirements
69V-560.103	Definitions
69V-560.104	Application Fees
69V-560.105	Regulatory Standards for Evaluating Applications

69V-560.107	Registration of Locations and Authorized Vendors
69V-560.108	Declaration of Intent to Engage in Deferred Presentment Transactions Requirements
69V-560.201	Regulatory Standards for Evaluating Notices of Change of Control Scope
69V-560.202	Renewal Fees, Deadlines, and Requirements
69V-560.301	Renewal Application Forms, Procedures and Requirements
69V-560.302	Renewal Fees
69V-560.303	Bond
69V-560.304	Quarterly Reports
69V-560.402	Quarterly Reports to Be Filed by Foreign Currency Exchangers
69V-560.602	Quarterly Reports to Be Filed by Funds Transmitters
69V-560.603	Quarterly Reports to Be Filed by Payment Instrument Sellers
69V-560.604	Annual Filing of Financial Statements by Part II Registrants
69V-560.605	Quarterly Reports to Be Filed by Deferred Presentment Providers
69V-560.606	Consumer Credit Counseling Services

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 560, Florida Statutes, relating to the licensing and regulation of money transmitters. The proposed rules implement and reflect the statutory changes.

SUMMARY: Under Chapter 2006-213, Laws of Florida, the Financial Services Commission was granted rulemaking authority to require money transmitter applicants and registrants to amend any information contained in any application when the information becomes inaccurate for any reason, require registrants to file a new application when proposing a change of control of 25 percent or greater ownership in the registrant, and simply the registration renewal process. The forms referenced in the rules incorporate these legislative changes in addition to streamlining the forms by incorporating the biographical summary and instructions within the business application forms. Additional changes to the business forms include creating a Disclosure Reporting Page for applicants to provide detailed information concerning any affirmative responses to disclosure questions. Other forms that needed instructional guidance have now had the instructions embedded within the form itself.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 215.405, 560.105, 560.118, 560.123, 560.205, 560.208, 560.209, 560.403 FS.

LAW IMPLEMENTED: 215.405, 560.102, 560.103, 560.109, 560.114, 560.118, 560.123, 560.127, 560.129, 560.204, 560.205, 560.206, 560.207, 560.208, 560.209, 560.210, 560.303(1), 560.305, 560.306, 560.307, 560.308, 560.403 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69V-560.102 Application Forms, Procedures and Requirements.

(1) Forms. All forms referenced in this rule are available on the Office of Financial Regulation's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376 ~~Application forms for all registrations covered by these rules may be obtained at no cost from the Office of Financial Regulation's website (www.dbf.state.fl.us), by telephone, or in writing. All applications must be in the format required by the Office of Financial Regulation. Requests for forms should be sent to: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

(2)(a) Applications in the format required by the Office of Financial Regulation, accompanied by the prescribed fee for the requested registration, shall be filed with the Office of Financial Regulation at the address in subsection (1) above. No application will be deemed filed or received unless accompanied by the proper filing fee; ~~or~~

~~(b) In lieu of filing the required application forms, an applicant may file the application information electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

(3)(a) All applicants for registration must file a completed application Form OFR-560 ~~MT-5-01~~, Application to Register as a Money Transmitter Pursuant to Chapter 560, F.S., effective 1/1/2007 ~~10/01~~, which is hereby incorporated by reference.

(b) All applicants for registration who propose to engage in deferred presentment transactions as defined in Section 560.402, F.S., shall file a completed Form OFR-560-03 ~~MT-3-01~~, Declaration of Intent to Engage in Deferred Presentment Transactions, effective 1/1/2007 ~~10/01~~, which is

hereby incorporated by reference, together with the required nonrefundable fee for deferred presentment providers. Applicants must be registered pursuant to Part II or Part III of Chapter 560, F.S., in order to engage in deferred presentment transactions.

(c) All applicants for registration shall submit a completed Form OFR-560-02 ~~MT-2-01~~, Location Notification Form, effective 1/1/2007 ~~10/01~~, which is hereby incorporated by reference, for each proposed "location" as defined in Rule 69V-560.103, F.A.C., not including the applicant's primary business location, together with the required nonrefundable fee.

(d) All applicants for registration as a payment instrument seller or funds transmitter shall file audited financial statements prepared in accordance with generally accepted accounting principles that are dated within 90 days prior to the date the application is received by the Office of Financial Regulation, and if available, audited financial statements for the immediately preceding 2-year period. In cases where the applicant is a wholly owned subsidiary of another corporation, the parent's consolidated audited financial statements may be submitted to satisfy this requirement. If the date of the application is more than 90 days after the applicant's fiscal year-end audited financial statements, the applicant shall file unaudited financial statements reviewed by an independent certified public accountant dated within 90 days of the date of the application for the period subsequent to the audit report, together with the audited financial statements for the most recent fiscal year. If the applicant has been in business less than 12 months, and has not prepared an audited financial statement, the applicant may file unaudited financial statements reviewed by an independent certified public accountant.

(4)(a) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, ~~executive officer, partner principal, member, joint venturer~~, and all controlling shareholders shall complete the Biographical Summary in Form OFR-560-01 MT-7-01, Biographical Form, effective 10/01, which is hereby incorporated by reference in subsection (3). If any of the foregoing individuals are non-U.S. Citizens, Addendum (1) to the Biographical Summary Form shall also be completed and filed.

(b) An existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, ~~executive officer, partner, member, joint venturer~~, controlling shareholder, and responsible person shall review and attest to the accuracy of the forms submitted on his or her behalf.

(5) The responsible person who will be in charge of the applicant's business activities in this state, and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, executive officer, principal, partner, member, joint venturer, and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL922720Z FL921050Z), effective _____, which is hereby incorporated by reference, accompanied by a nonrefundable \$47 processing fee. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. ~~If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Office of Financial Regulation reserves the right to require as many submissions of fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency.~~ Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.

(6) No change.

(7) Request for Additional Information. ~~All information the applicant wants to present to support the application should be submitted with the original filing.~~ Any request for additional information will be made by the Office of Financial Regulation within thirty (30) days after receipt of the application. The additional information must be received by the Office of Financial Regulation within forty-five (45) days from the date of the request. Failure to respond within forty-five (45) days from the date of the request shall be grounds for the Office of Financial Regulation to deny the application for failure to complete the application; and the application may be denied pursuant to subsection 120.60(1), F.S.

(8) Refunds. If the application is withdrawn or denied, all fees are nonrefundable.

(9) Withdrawal of Application. An application may be withdrawn if the applicant submits a written request for same that is approved by the Office of Financial Regulation before the application is approved or denied.

(10)(8)(a) Amendment of Application. If the information contained in any application for a registration as a money transmitter, or in any amendment thereto, becomes inaccurate for any reason, the registrant shall file an amendment correcting such information within thirty (30) days of the change on Form OFR-560-01, which is incorporated by reference in subsection (3). A request to amend an application must be in writing and shall be submitted to the Office of Financial Regulation at the address in subsection (1).

(b) Provided the Office of Financial Regulation has not already docketed a Notice of Intent to Deny the Application, an applicant may amend the application after receiving written

permission from the Office of Financial Regulation following the Office of Financial Regulation's review of and determination that the applicant's written request to amend:

1. through 4. No change.

5. May ~~shall~~ not be denied pursuant to paragraph (c), if the request to amend makes a material change to the application.

(c) A request to amend which makes a material change to the application or to the Office of Financial Regulation's evaluation of the application is a violation of subsection (7) and the Office of Financial Regulation may ~~shall~~ deny the application in accordance with Section 560.114(1)(a), F.S., unless the applicant has made a good faith effort to comply with the statutory requirements of Chapter 560, F.S., and the rules of this chapter. Material changes include:

1. No change.

2. The substitution or addition of a director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer, partner, member, joint venturer, responsible person, or controlling shareholder;

3. through 5. No change.

(d) No change.

~~(9) When an application is denied on the grounds set forth above, the applicant shall be duly notified.~~

Specific Authority 215.405, 560.105(3), 560.118(2), 560.205(1), 560.205(2), 560.403(1) FS. Law Implemented 215.405, 560.102, 560.118, 560.129, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307, 560.403 FS. History—New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.102, Amended _____.

69V-560.103 Definitions.

For the purposes of this chapter, the following definitions shall apply:

(1) through (5) No change.

(6) "Financial Statements" shall be defined as those reports, schedules and statements, prepared in accordance with United States generally accepted accounting principles ~~Generally Accepted Accounting Principles~~, which contain at least the following information:

(a) Statement of Financial Condition (Balance Sheet); ~~and~~

(b) Statement of Income;-

(c) Statement of Cash Flows; and

(d) Statement of Changes in Stockholders' Equity.

(7) through (9) No change.

(10) "Net worth" means an excess of assets over liabilities, as determined by United States generally accepted accounting principles; for purposes of this subject:

(a) Assets shall not include:

1. Prepaid expenses, other than items properly classified as current assets under generally accepted accounting principles;

2. Goodwill;

- 3. Franchise rights;
- 4. Organizational expenses;
- 5. Patents;
- 6. Copyrights;
- 7. Marketing rights;
- 8. Un-amortized debt discount and expense;
- 9. Assets of an intangible nature;

10. A home, home furnishings, automobiles, and any other personal items not readily marketable, if the money transmitter is an individual;

11. A corporation's advances or loans to shareholders or officers; and

12. A partnership's advance or loans to partners.

(b) Liabilities that can be shown to be collateralized by assets (including capital assets such as equipment, property, etc.) that are owned by the money transmitter are excluded from the computation. Likewise, liabilities owed to the owners or shareholders of the money transmitter are excluded. All other types of liabilities, including non-collateralized short and long term debt, must be included in the computation.

~~(11)(10)~~ "Person" means any individual, corporation, partnership, association, trust, or other group, however organized.

(12) "Publicly Traded" means that the stock is currently traded on a national securities exchange registered with the U.S. Securities and Exchange.

~~(13)(11)~~ "Registrant" means a person registered by the Office of Financial Regulation pursuant to Part II or Part III of the Money Transmitters' Code.

(14)(12) "Responsible person" means any individual who has principal active management authority over the business as defined by Section 560.103(18), F.S.

~~(15)(13)~~ "Unaudited Financial Statements" shall be defined as those financial statements prepared in accordance with Generally Accepted Accounting Principles and reviewed by a Certified Public Accountant, but not accompanied by the statements and representations as set forth in paragraphs (3)(b), (c), and (d) of this rule.

~~(16)(14)~~ "Holiday" means such days as are designated by Section 110.117, F.S.

~~(17)(15)~~ "Gross Income" means Gross Revenue (Sales) – Cost of Goods Sold.

Specific Authority 560.105(2) FS. Law Implemented 560.103, 560.118(2), 560.205(3), (4), 560.208 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.103, Amended 9-14-04, _____.

69V-560.104 Application Fees.
 (1) through (4) No change.

~~(5) Applicable fees for all initial applications may be paid by the applicant electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

Specific Authority 560.105(3) FS. Law Implemented 560.205(2), 560.306, 560.307, 560.403 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.104, Amended _____.

69V-560.105 Regulatory Standards for Evaluating Applications.

(1) No change.

(2) The Office of Financial Regulation shall conduct background investigations on the responsible person who will be in charge of all the applicant's business activities in this state and each existing or proposed director, chief executive officer, chief financial officer, chief operations officer, chief legal officer, chief compliance officer ~~executive officer, principal member, partner, joint venturer,~~ and all controlling shareholders to determine whether the qualifications and requirements for registration have been met.

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.205, 560.206, 560.306 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.105, Amended _____.

69V-560.107 Registration of Locations and Authorized Vendors.

~~(1) Every registrant shall designate all locations and authorized vendors operating prior to October 1, 2001 by:~~

~~(a) Filing all of the information required by Form OFR-MT-2-01 (Location Notification Form) with the Office of Financial Regulation on or before December 1, 2001 for all locations and authorized vendors. After December 1, 2001, the registrant shall file all location information in accordance with subsection (2) of this rule; and~~

~~(b) No fee shall be required for the registration of locations and authorized vendor locations in operation prior to October 1, 2001 that have been designated by the registrant in accordance with the provisions of paragraph (a).~~

~~(1)(2)~~ Every registrant that commences operations at locations other than the main office or through authorized vendors in this state ~~on or after October 1, 2001~~ shall:

(a) File a completed Form OFR-560-02 MT-2-01 (Location Notification Form) for each location, which must be received by the Office of Financial Regulation within sixty (60) calendar days from the date that a location opens or an authorized vendor commences operations on behalf of the registrant ~~on or after October 1, 2001;~~

~~(b) Demonstrate the required net worth for Part II registrants in accordance with the provisions of subsection 69V-560.606(4), F.A.C.; and~~

(b)(e) Submit the required \$50 fee for each location.

~~(2)(3)~~ Every registrant shall be responsible for filing a completed Form OFR-560-02 ~~MT-2-01~~ within sixty (60) calendar days from the date that a location closes or authorized vendor either ceases operation or has its authority to act on the registrant's behalf terminated by such registrant.

~~(4) In lieu of filing Form OFR MT 2-01, a registrant may notify the Office of Financial Regulation of the opening or closing of locations and authorized vendors electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~For purposes of this section, the Note: The sixty (60) day period referenced in subsections (1)(2) and (2)(3) above is solely for the filing of the required form and payment of the required nonrefundable fee. A registrant must file Form OFR-560-02 notify the Office of Financial Regulation and pay the required fee for all locations of the registrant and authorized vendors that commence operations on behalf of the registrant. If the registrant for any reason closes a location or terminates the relationship with such authorized vendor within the first sixty (60) days, it will not relieve the registrant of the obligation to comply notify the Office of Financial Regulation in accordance with the provisions of this subsection. Form OFR-560-02 is incorporated by reference in subsection 69V-560.102(3), F.A.C.~~

Specific Authority 560.105(3), 560.208(3) FS. Law Implemented 560.205, 560.208, 560.307 FS. History—New 11-4-01, Formerly 3C-560.107, Amended _____.

69V-560.108 Declaration of Intent to Engage in Deferred Presentment Transactions.

~~(1) All registrants actively registered pursuant to Part II or Part III of Chapter 560, F.S., before October 1, 2001 and who are acting as a deferred presentment provider as defined by Section 560.402, F.S., shall file a completed Form OFR MT 3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions). This form and the required nonrefundable fee must be received by the Office of Financial Regulation by November 30, 2001.~~

~~(1)(2) After October 1, 2001, any A person who seeks to act as a deferred presentment provider as defined in Section 560.402, F.S., shall:~~

~~(a) Be registered pursuant to Part II or Part III of Chapter 560, F.S., and must at all times thereafter remain registered pursuant to Part II or Part III; and~~

~~(b) Submit a completed Form OFR-560-03 ~~MT-3-01~~ (Declaration of Intent to Engage in Deferred Presentment Transactions) together with the required nonrefundable fee for deferred presentment providers.~~

~~(2)(3) A registrant may not convey authority to an authorized vendor to engage in deferred presentment transactions on behalf of the registrant.~~

(3) A registrant shall terminate authority to engage in deferred presentment transactions by submitting Form OFR-560-03 (Declaration of Intent to Engage in Deferred Presentment Transactions) within 30 days of the registrant ceasing deferred presentment transactions.

(4) Form OFR-560-03 is incorporated by reference in subsection 69V-560.102(3), F.A.C. In lieu of filing Form OFR MT 3-01 (Declaration of Intent to Engage in Deferred Presentment Transactions), such declaration of intent may be made electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.

Specific Authority 560.105(3), 560.403 FS. Law Implemented 560.403 FS. History—New 11-4-01, Formerly 3C-560.108, Amended _____.

69V-560.201 Requirements.

~~Notices of change of control will be processed pursuant to Section 560.127, F.S.~~

(1) Where a person or group of persons directly or indirectly or acting by or through one or more persons, proposes to acquire a controlling interest in a money transmitter registrant, such person or group shall file with the Office, no later than thirty (30) days prior to the date of such acquisition, a new application pursuant to Rule 69V-560.102, F.A.C., together with all required exhibits and fees. Additionally, the applicant shall file with the Office, at the time the new application is filed, a notice of termination of registration of the acquired entity on Form OFR-560-01, effective upon disposition of the new application by the Office. Form OFR-560-01 is incorporated by reference in subsection 69V-560.102(3), F.A.C. Regardless of whether the change of control involves a registered money transmitter, an Application to Register as a Money Transmitter (Form OFR MT-5-01) shall be filed. All information requested by that form shall be submitted to the Office of Financial Regulation, along with the required nonrefundable application fee as set forth in Rule 69V-560.104, F.A.C. The written notification should provide the Office of Financial Regulation with information concerning the change of control, including the proposed effective date and any significant changes to be made to the registrant's present business.

(2) A registrant required to file a new application as a result of an acquisition of a controlling interest pursuant to Section 560.126(2), F.S., must also file new location forms (Form OFR-560-02) and applicable fees for all existing locations on file with the office at the time of filing the new application in subsection (1) and a Declaration of Intent to Engage in Deferred Presentment Transactions (Form OFR-560-03) and applicable fee if currently engaged in Deferred Presentment Transactions. Forms OFR-560-02 and OFR-560-03 are incorporated by reference in subsection 69V-560.102(3), F.A.C. The responsible person who will be in charge of the applicant's business activities in this state, each

~~existing or proposed director, executive officer, principal, member and all controlling shareholders, unless exempt under Section 560.205(1) or 560.306(1), F.S., shall file a completed Florida Fingerprint Card (FL921050Z) accompanied by a \$47 nonrefundable processing fee. No fingerprint card will be required from any person described above who has been reported to the Office of Financial Regulation by the registrant and for whom the Office of Financial Regulation has received the required Biographical Form (Form OFR-MT-7-01) prior to October 1, 2001. If the Federal Bureau of Investigation cannot process the fingerprint card because of illegible fingerprints, a second card must be submitted. If that card cannot be processed, it will be necessary to submit a third card along with a nonrefundable fee of \$24 to cover the cost of processing the card. The Office of Financial Regulation reserves the right to require as many submissions of such fingerprint cards and fees as may be necessary until such time as the card can be properly processed by the appropriate law enforcement agency. Any applicant claiming the statutory exemption from the fingerprint requirement shall submit evidence to support its claim to the exemption.~~

~~(3) The office shall waive the requirement for a registrant to file a new application pursuant to Section 560.126(2), F.S.: An original of all parts of the application shall be filed, together with the appropriate filing fee at the following address: Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0375.~~

~~(a) When a person or group of persons proposing to purchase or acquire a controlling interest in a registrant has previously filed the information required in Sections 560.205 and 560.306, F.S., with a money transmitter currently registered with the office, provided that such person is currently affiliated with the money transmitter; or~~

~~(b) When the acquirer is currently registered with the office as a money transmitter.~~

~~(4) For purposes of this chapter "control" shall have the meaning defined in Section 560.127, F.S.~~

Specific Authority 215.405, 560.105(3), 560.123(2) FS. Law Implemented 215.405, 560.127, 560.204, 560.205, 560.303(1), 560.305, 560.306, 560.307 FS. History–New 9-24-97, Amended 11-4-01, 12-11-03, Formerly 3C-560.201, Amended _____.

69V-560.202 Regulatory Standards for Evaluating Notices of Change of Control.

~~When a notice of change of control of a registered money transmitter is filed, it is the applicant's responsibility to prove that the statutory criteria warranting the grant of authority are met. The Office of Financial Regulation shall conduct an investigation pursuant to Section 560.127(3), F.S. If the Office of Financial Regulation determines that any one of the criteria set forth in Section 560.127(3)(a) or (b), F.S., is not met, or any act in Section 560.114, F.S., is or has been committed, the Office of Financial Regulation may deny the change in control. Additionally, should the change of control involve an~~

~~unregistered money transmitter and/or unregistered person(s), the Office of Financial Regulation will conduct an investigation pursuant to Section 560.206 and/or 560.306, F.S. The Office of Financial Regulation shall deny the application in accordance with Section 560.114, F.S.~~

Specific Authority 560.105(3) FS. Law Implemented 560.109, 560.114, 560.127, 560.205, 560.206, 560.306 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.20, Repealed _____.

69V-560.301 Scope.

~~These rules contain the specific procedures for filing and evaluating renewal applications for registered payment instrument sellers, funds transmitters, check cashers, foreign currency exchangers, deferred presentment providers, locations and authorized vendors.~~

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History–New 9-24-97, Amended 11-4-01, Formerly 3C-560.301, Repealed _____.

69V-560.302 Renewal Fees, Deadlines, Late Fees and Requirements.

(1)(a) Payment Instrument Seller or a Funds Transmitter (Part II registrant): Registrations issued to Part II registrants shall remain effective through April 30 of the second year following the date of issuance of the registration, not to exceed 24 months, unless during such period the registration is surrendered, suspended, or revoked.

(b) A renewal of a funds transmitter or payment instrument seller registration (Part II registrant) shall include a nonrefundable renewal fee of \$1,000.00, plus \$50.00 for each location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2-year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.

~~(c)(b) All renewal fees applications for Part II registrants must be received by the office on or filed on or after January 1 of the year in which the existing registration expires, but before the expiration date of April 30. If the renewal fees are received a renewal application is filed within 60 calendar days after the expiration date of an existing registration, the renewal application and renewal fees must shall be accompanied by a nonrefundable late fee of \$500.00. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must shall be filed pursuant to Section 560.205, F.S.~~

(2)(a) Check Cashier or Foreign Currency Exchanger (Part III registrant): Registrations issued to Part III registrants shall remain in effect through the remainder of the second calendar year (December 31) following the date the registration was issued. Thereafter, renewals are issued for a 24-month period

from December 31 of the year the registration or renewal expires, unless during such period the registration is surrendered, suspended, or revoked.

(b) A renewal of a check casher or foreign currency exchanger registration (Part III registrant) shall include a nonrefundable renewal fee of \$500.00, plus \$50.00 for each location being renewed, including branch offices and authorized vendors, operating within this state, or a total 2-year nonrefundable renewal fee of \$20,000.00 to renew all such locations operating within this state. The \$50.00 location renewal fee shall not apply to the registrant's primary business address.

(c)(b) All renewal fees applications for Part III registrants must be received by the office on or before the expiration date of filed on or after June 1 of the year in which the existing registration expires, but not later than December 31 of that year. If the renewal fees are received A renewal application, renewal fees, and a late fee of \$250.00 must be filed within 60 calendar days after the expiration date of an existing registration, the renewal fees must be accompanied by a non-refundable late fee of \$250.00 in order for the registration to be reinstated. If the registrant has not filed the requisite renewal fees and late fees a renewal application within 60 calendar days after the expiration date of an existing registration, the registration shall expire and a new application must be filed pursuant to Section 560.307, F.S.

(3)(a) Deferred Presentment Providers (Part IV): The "Declaration of Intent to Engage in Deferred Presentment Transactions" shall expire concurrently with the registrant's Part II or Part III registration. A registrant who intends to continue to engage in deferred presentment transactions must concurrently renew their registration pursuant to Part II or Part III in order to remain qualified to act as a deferred presentment provider. A declaration of intent non-refundable renewal fee of \$1000 must be received by the Office on or before the expiration date of the registrant's Part II or Part III registration. The renewal of a deferred presentment provider's "Declaration of Intent to Engage in Deferred Presentment Transactions" shall be indicated on Form OFR-MT-6-01 (Application to Renew Registration as a Money Transmitter Pursuant to Chapter 560, F.S.), and submitted together with the required nonrefundable renewal fee for a deferred presentment provider.

(b) If the declaration of intent renewal fee is received A renewal declaration of intent and fee, and a late fee of \$500.00, must be filed within 60 calendar days after the expiration of the registrant's Part II or Part III an existing registration, the declaration of intent renewal fee must be accompanied by a non-refundable late fee of \$500.00 in order for the declaration of intent to be reinstated. If the registrant has not filed the requisite declaration of intent renewal fee and late fee a renewal declaration of intent within 60 calendar days after the

expiration date of the registrant's Part II or Part III an existing registration, the declaration of intent shall expire and a new declaration must be filed pursuant to Chapter 560.403, F.S.

(4) If any date in this rule falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S. weekend or holiday, the renewal application together with the required renewal fees and any applicable late fees must be received by the Office of Financial Regulation by the close of business on the next business day.

Specific Authority 560.105(3) FS. Law Implemented 560.206, 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.302, Amended _____.

69V-560.303 Renewal Application Forms, Procedures and Requirements.

(1) Applicants for renewal of registration must complete Form OFR-MT-6-01, Application to Renew Registration as a Money Transmitter, effective 10/01, which is hereby incorporated by reference. Copies of such forms can be obtained by request from the Office of Financial Regulation at the address specified in subsection (5) below.

(2) The renewal application shall include any substantial changes that have occurred to registrant since its last application to the Office of Financial Regulation. These substantial changes include, but shall not be limited to, a change or an addition to an executive officer, director, principal, member, controlling shareholders, or responsible person/manager. A completed Biographical Form OFR-MT-7-01, shall be submitted for each new individual, and, in the case of a non U.S. citizen, Addendum (1) to Form OFR-MT-7-01, shall be attached to the renewal application. The fingerprint cards required by subsection 69V-560.102(5), F.A.C., and the Biographical Form (Form OFR-MT-7-01) shall be submitted only for those person(s) who have not previously submitted such documents in connection with the registrant. Other changes, such as any new businesses acquired, change in address, change in name, material litigation, criminal convictions, etc., shall be reported, as required on the renewal form.

(3) If, as a result of subsection (1) above, a Biographical Form is required on any individual, the individual shall review and attest to the accuracy of the form.

(4)(a) An original of all parts of the application shall be filed, together with the appropriate filing fee as specified in Rule 69V-560.303, F.A.C., at the following address: Division of Securities and Finance, Office of Financial Regulation of Banking and Finance, 101 East Gaines Street, Tallahassee, Florida 32399-0350.

(b) In lieu of filing the required forms, a registrant may renew its registration, locations, authorized vendors, and "Declaration of Intent to Engage in Deferred Presentment

~~Transactions” electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation’s website (www.dbf.state.fl.us) on the Internet.~~

~~(5) Processing. Applications to renew registration as a money transmitter shall be processed, where applicable, pursuant to the provisions of Rules 69V-560.101 through 69V-560.108, F.A.C.~~

Specific Authority 560.105(3) FS. Law Implemented 560.114(1), 560.205(2), (3), 560.207, 560.305, 560.308 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.303, Repealed

69V-560.304 Renewal Fees.

~~(1) A renewal application for funds transmitter or payment instrument seller registration (Part II registrant) shall be accompanied by a nonrefundable renewal fee of \$1,000.00, plus \$50.00 for each location being renewed, including branch offices and offices of authorized vendors, operating within this state, or a total 2-year nonrefundable fee of \$20,000.00 to register all such locations operating within this state. The \$50.00 location fee shall not apply to the registrant’s primary business address.~~

~~(2) A renewal application for check-casher or foreign currency exchanger registration (Part III registrant) shall be accompanied by a renewal fee of \$500.00, plus \$50.00 for each location being renewed, including branch offices and offices of authorized vendors, operating within this state, or a total of 2-year nonrefundable fee of \$20,000.00 to register all such locations operating within this state. The \$50.00 location fee shall not apply to the registrant’s primary business address.~~

~~(3) Every deferred presentment provider shall renew its Declaration of Intent to Engage in Deferred Presentment Transactions to remain a deferred presentment provider at the same time as they renew their Part II or Part III registration accompanied by the required nonrefundable fee of \$1,000.00.~~

~~(4) All fees required to renew the registration of a money transmitter may be paid electronically by following the applicable instructions on the Office of Financial Regulation’s website (www.dbf.state.fl.us) on the Internet.~~

Specific Authority 560.105(3) FS. Law Implemented 560.207, 560.308, 560.403 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.304, Repealed

69V-560.402 Bond.

(1) No change.

(2) The corporate surety bond must be issued by a bonding company or insurance company authorized to do business in this state. The originally executed Form OFR-560-06, Money Transmitter Surety Bond Form, effective 1/1/2007, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The bond form must be executed by the bonding company and the applicant.

(3) All items pledged in lieu of a corporate surety bond must be held or deposited at a federally insured financial institution as defined by Section 655.005(1)(h), F.S. The originally executed Form OFR-560-05, Pledge Agreement, effective 1/1/2007, which is hereby incorporated by reference, shall be maintained on file with the Office at all times. The Pledge Agreement bond form included in Form OFR-MT-5-01, must be executed by the federally insured financial institution and the applicant.

(4) No change.

~~(5)(a) The amount of the surety bond, collateral deposit, or combination thereof shall under no circumstances be for an amount less than \$50,000. The amount of the surety bond or collateral shall not exceed \$500,000, but be the greater of: The required bond, collateral deposit or combination thereof for initial registration shall be calculated in accordance with Form OFR-MT-5-01.~~

(a) 2% of the registrant’s total U.S. dollar volume of transactions for the preceding 12 month period; or

(b) An amount based on the number of locations/vendors as determined in accordance with the following schedule: The required bond, collateral deposit or combination thereof for renewal registration shall be calculated in accordance with Form OFR-MT-6-01.

<u>Number of Locations/Vendors</u>	<u>Required Amount of Surety/Collateral</u>
<u>0-10</u>	<u>\$50,000</u>
<u>11-25</u>	<u>\$100,000</u>
<u>26-50</u>	<u>\$150,000</u>
<u>51-100</u>	<u>\$200,000</u>
<u>101-250</u>	<u>\$250,000</u>
<u>251 or more</u>	<u>\$500,000</u>

~~(c) The required bond, collateral deposit or combination thereof shall not exceed \$250,000.00, unless the Office of Financial Regulation determines that an extraordinary circumstance, such as those of Section 560.209(2)(a), F.S., exists which requires an additional amount above \$250,000.00. However, the maximum bond, collateral deposit or combination thereof shall be \$500,000.00.~~

(6)(a) For purposes of compliance with the provisions of this rule, a registrant shall calculate the amount of their surety bond, collateral deposit, or combination thereof in accordance with subsection (5) of this rule each December 31st for the preceding 12 months.

(b) For purposes of compliance with paragraph (5)(b) of this rule the number of active locations/vendors shall be the number of branches in operation and the number of vendors currently under contract with the registrant on December 31st.

(7) Annually, each registrant shall file on Form OFR-560-07, Security Device Calculation Form, revised 1/1/2007, which is hereby incorporated by reference, the required information regarding the registrant’s amount of

surety bond, collateral deposit, or combination thereof as prescribed in subsection (5) of this rule not later than January 31st of each calendar year. If based on the registrant's calculation, the amount of the device must be increased, the registrant shall provide to the Office an additional surety bond, surety rider for an existing bond, collateral deposit pledge agreement or combination thereof reflecting the amount required no later than sixty (60) days following the deadline to file Form OFR-560-07, Security Device Calculation Form.

~~(8)(6)~~ The bond, collateral deposit or combination thereof shall remain in place for 5 years after the registrant ceases operations in this state. The security shall be reduced or eliminated prior to that time upon written approval, if the Office of Financial Regulation determines that the registrant's outstanding payment instruments or funds transmitted in this state have been paid or reduced and that such lesser amount adequately protects the interests of the public.

~~(9)(7)~~ A registrant must at all times have and maintain the bond, collateral deposit or combination thereof in the amount prescribed by the Office of Financial Regulation. If the Office of Financial Regulation at any time reasonably determines that the bond or elements of the collateral deposit are insecure, deficient in amount, or exhausted in whole or in part, the Office of Financial Regulation shall, by written order, require the filing of a new or supplemental bond or the deposit of new or additional collateral deposit items.

(10) All forms incorporated by reference in this rule are available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376.

Specific Authority 560.105(3), 560.209(2)(a) FS. Law Implemented 560.207, 560.209 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.402, Amended _____.

~~69V-560.602 Quarterly Reports to Be Filed by Check Cashers.~~

(1) Every money transmitter registered pursuant to the Code registered check casher shall submit a quarterly report to the Office of Financial Regulation ~~on~~ by filing a completed Form OFR-560-04MT-1-01, Money Transmitter Quarterly Report Form, effective 1/1/2007 4/04, which is hereby incorporated by reference and available on the Office's website at www.flofr.com and by mail from the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. A completed quarterly report form Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of ~~Securities and Finance~~ at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a Saturday, Sunday weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.

~~(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(2)(3)~~ The Office of Financial Regulation ~~may~~ shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (1).

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2) FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.602, Amended _____.

~~69V-560.603 Quarterly Reports to Be Filed by Foreign Currency Exchangers.~~

~~(1) Every registered foreign currency exchanger shall submit a quarterly report to the Office of Financial Regulation on Form OFR-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference. Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.~~

~~(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(3) The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (1).~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123 FS. History—New 9-24-97, Amended 12-30-98, 11-4-01, Formerly 3C-560.603, Repealed _____.

~~69V-560.604 Quarterly Reports to Be Filed by Funds Transmitters.~~

~~(1) Every registered funds transmitter shall submit a quarterly report to the Office of Financial Regulation on Form OFR-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference. Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.~~

~~(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(3) The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (1).~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123, 560.210 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.604, Repealed.

69V-560.605 Quarterly Reports to Be Filed by Payment Instrument Sellers.

~~(1) Every registered payment instrument seller shall submit a quarterly report to the Office of Financial Regulation on Form OFR-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference. Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.~~

~~(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(3) The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (1).~~

Specific Authority 560.105(3), 560.118(2)(b) FS. Law Implemented 560.118(2), 560.123, 560.210 FS. History—New 9-24-97, Amended 11-4-01, Formerly 3C-560.605, Repealed.

69V-560.606 Annual Filing of Financial Statements by Part II Registrants.

(1)(a) Each registered funds transmitter shall annually submit audited financial statements to the Office of Financial Regulation for the registrant's most recent fiscal year.

(b) Each registered payment instrument seller shall annually submit audited financial statements to the Office of Financial Regulation for the registrant's most recent fiscal year unless it is exempt pursuant to Section 560.118(2)(a), F.S. Any registrant claiming such exemption shall submit such claim in writing on Form OFR-~~560-08 MT-4-01~~, Money Transmitter Audited Financial Statement Exemption Claim Form, effective 1/1/2007 ~~10/01~~, which is hereby incorporated by reference and

available on the Office's website at www.flofr.com and by mail at the Office of Financial Regulation, 200 East Gaines Street, Tallahassee, Florida 32399-0376. The claim shall be executed by the registrant or an officer of the registrant under penalty of perjury. The exemption shall be valid for the current fiscal year only, and must be resubmitted each year by the registrant.

(c) No change.

(2) through (3) No change.

(4) For purposes of adding new locations or authorized vendors, a Part II registrant may rely upon its annual financial statements that were received by the Office of Financial Regulation in a timely manner as required in subsections (1) and (2) of this rule ~~or the net worth disclosure required by Form OFR-MT-2-01~~. The Office of Financial Regulation reserves the right to require additional documentation up to and including the submission of financial statements to substantiate the net worth ~~disclosure on Form OFR-MT-2-01~~.

Specific Authority 560.105(3), 560.118(2)(a), 560.205(3)(f), (4)(d) FS. Law Implemented 560.118(2), 560.205, 560.208 FS. History—New 11-4-01, Formerly 3C-560.606, Amended.

69V-560.607 Quarterly Reports to Be Filed by Deferred Presentment Providers.

~~(1) Every registered deferred presentment provider shall submit a quarterly report to the Office of Financial Regulation on Form OFR-MT-1-01, Money Transmitter Quarterly Report Form, effective 10/01, which is hereby incorporated by reference. Such report shall be received by the Office of Financial Regulation no later than forty-five (45) days after the conclusion of each quarter and shall be sent to Division of Securities and Finance at the address listed in subsection 69V-560.102(1), F.A.C. Should the forty-fifth day fall on a weekend or holiday, the reports must be received by the Office of Financial Regulation no later than the next business day.~~

~~(2) In lieu of filing Form OFR-MT-1-01, a registrant may submit the required quarterly report information electronically on or before the deadline by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet.~~

~~(3) The Office of Financial Regulation shall levy a late payment penalty of \$100.00 per day or part thereof that a report is past due. A report is "past due" if it is received by the Office of Financial Regulation one or more days beyond the period defined in subsection (1).~~

Specific Authority 560.105(3), 560.118(2) FS. Law Implemented 560.118(2) FS. History—New 11-4-01, Formerly 3C-560.607, Repealed.

69V-560.906 Consumer Credit Counseling Services.

(1) The Office of Financial Regulation shall publish a list of consumer credit counseling agencies by October 1 of each calendar year via the Office of Financial Regulation's website (www.flofr.com ~~dbf.state.fl.us~~). The Office of Financial

Regulation will accept requests from consumer credit counseling agencies to be included on the list on an ongoing basis and may periodically republish the list at its discretion. If the Office of Financial Regulation makes a decision to publish the list more often, a notice of such change will be posted on the Office of Financial Regulation's website. The provider will then be responsible for making and distributing such additional copies of the list to all branch locations engaging in deferred presentment transactions.

(2) through (8) No change.

Specific Authority 560.105(3), 560.404(23) FS. Law Implemented 560.404 FS. History—New 2-20-02, Formerly 3C-560.906, Amended

NAME OF PERSON ORIGINATING PROPOSED RULE: Gregory C. Oaks, Financial Administrator, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-200.001
RULE TITLE: Definitions

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law changed the definition of branch office and authorized the Financial Services Commissions to adopt exceptions to the definition. Rule 69W-200.001, F.A.C., is being amended to re-define the term "branch office" in accordance with the new statutory definition and specify exceptions to the definition.

SUMMARY: Changes the definition of branch office to reflect the new statutory definition under the Florida Securities and Investors Protection Act. The rule is also amended to reflect exceptions to the definition.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1) FS.

LAW IMPLEMENTED: 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-200.001 Definitions.

As used in the Rules and Regulations of the Financial Services Commission and Office of Financial Regulation, pursuant to Chapter 517, F.S., unless the context otherwise specifically requires:

(1) through (8) No change.

(9)(a) Except as otherwise provided in this subsection, the term "Branch Office" shall mean any location in this state of a dealer or investment adviser at which one or more associated persons regularly conduct the business of rendering investment advice or effecting any transactions in, or inducing or attempting to induce the purchase or sale of, any security or any location that is held out as such. Pursuant to Section 517.021(4), F.S., the Financial Services Commission may adopt exceptions to this definition. The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S., and are considered exceptions to the definition of a branch office under Section 517.021(4), F.S.: Except as otherwise provided herein, the term "Branch Office" shall mean any location in Florida other than a home office:

1. Any location that is established solely for customer service or back office type functions where no sales activities are conducted and that is not held out to the public as a branch office; Which is owned or controlled by a dealer or investment adviser for purposes of offering for sale or selling securities or for rendering investment advice and in which two or more associated persons are engaged in such activities. "Control" as used herein and in Section 517.021(4), F.S., shall be presumed from the fact that such location is used by associated persons of a dealer or investment adviser to conduct business on behalf of such dealer or investment adviser;

2. Any location that is the associated person's primary residence; provided that: Which is listed in any publication, including a professional digest or telephone directory, or advertised in any media as an office of a dealer or investment adviser; or

a. Only one associated person, or multiple associated persons, who reside at that location and are members of the same immediate family, conduct business at the location;

b. The location is not held out to the public as an office and the associated person does not meet with customers at the location;

c. Neither customer funds nor securities are handled at that location;

d. The associated person is assigned to a designated branch office, and such designated branch office is reflected on all business cards, stationery, advertisements and other communications to the public by such associated person;

e. The associated person's correspondence and communications with the public are subject to the firm's supervision in accordance with NASD Rule 3010, as incorporated in subparagraph 69W-600.013(1)(h)1., F.A.C.;

f. Electronic communications (e.g., e-mail) are made through the registrant's electronic system;

g. All orders are entered through the designated branch office or an electronic system established by the registrant that is reviewable at the branch office;

h. Written supervisory procedures pertaining to supervision of sales activities conducted at the residence are maintained by the registrant; and

i. A list of the residence locations is maintained by the registrant;

3. Any location, other than a primary residence, that is used for securities business for less than 30 business days in any one calendar year, provided the registrant complies with the provisions of this rule in sub-subparagraphs (9)(a)2.a. through i. above; Which is designated with the Securities and Exchange Commission or with a securities exchange or self-regulatory organization as a branch office of a dealer or investment adviser.

4. Any office of convenience, where associated persons occasionally and exclusively by appointment meet with customers, which is not held out to the public as an office;

5. Any location that is used primarily to engage in non-securities activities and from which the associated person(s) effects no more than 25 securities transactions in any one calendar year; provided that any advertisement or sales literature identifying such location also sets forth the address and telephone number of the location from which the associated person(s) conducting business at the non-branch locations are directly supervised;

6. The Floor of a registered national securities exchange where a registrant conducts a direct access business with public customers; or

7. A temporary location established in response to the implementation of a business continuity plan.

8. The principal office and place of business of an investment adviser registered with the Office of Financial Regulation pursuant to Section 517.12(4), F.S.

9. Any location of an investment adviser that is registered as a branch office of a dealer, provided the dealer and investment adviser use the same CRD number.

(b) Notwithstanding the exclusions provided in subparagraph (9)(a)2. above, any location of a dealer that is responsible for supervising the activities of persons associated

with the registrant at one or more non-branch locations of the registrant is considered to be a branch office. The following locations shall not be deemed branch offices for purposes of Section 517.12(5), F.S.:

1. Locations used temporarily for the purposes of conducting seminars or distributing printed information;

2. The home of a client;

3. A public location, such as a restaurant, which is occasionally used by a registered associated person to conduct business on behalf of the dealer or the investment adviser provided the location is not held out to the investing public as an office of the dealer or investment adviser; or

4. Any location defined as a branch office in paragraph (9)(a) of this rule from which an associated person registered with a dealer and one or more investment advisers registered with the Office of Financial Regulation conducts business on behalf of said multiple entities provided that such location is lawfully registered with the Office of Financial Regulation as a branch office of at least one of said entities.

(c) The term "business day" as used in NASD Rule 3010(g)(2)(A), which is incorporated by reference in subparagraph 69W-600.013(1)(h)1., F.A.C., shall not include any partial business day provided that the associated person spends at least four hours on such business day at his or her designated branch office during the hours that such office is normally open for business.

(10) through (33) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.07, 517.12, 517.021, 517.061, 517.051, 517.081, 517.161 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-200.01, Amended 12-8-87, 10-14-90, 7-31-91, 6-16-92, 1-10-93, 5-5-94, 10-20-97, 8-9-98, 8-19-99, 10-30-03, Formerly 3E-200.001, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE:
Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-300.002
PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law requires financial statements to be prepared in accordance with United States generally accepted accounting principles. The rule is amended to reflect this requirement.

RULE TITLE:

Financial Statements and Reports

SUMMARY: The proposed rule amendments provide that financial statements must be prepared in accordance with United States generally accepted accounting principles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081, 517.12 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-300.002 Financial Statements and Reports.

(1) All financial statements required for registration of securities, or registration of dealers and investment advisers, shall be prepared in accordance with United States generally accepted accounting principles ~~Generally Accepted Accounting Principles, as promulgated by the American Institute of Certified Public Accountants~~. Financial statements required to be prepared in accordance with Regulation S-X together with the Accounting Series Releases, pursuant to the Securities Act of – 1933 and the Securities Exchange Act of 1934, will be acceptable to the Office of Financial Regulation unless otherwise required by these rules.

(2) Definitions:

(a) No change.

(b) “Financial Statements and Reports” shall be defined as those reports, schedules and statements, prepared in accordance with United States generally accepted accounting principles, which contain at least the following information unless the context otherwise dictates:

1. Statement of Financial Condition or Balance Sheet;
2. Statement of Income;
3. Statement of Changes in Financial Position;
4. Statement of Changes in Stockholder’s/Partner’s/ Proprietor’s Equity;
5. Statement of Changes in Liabilities Subordinated to Claims of General Creditors.

(c) No change.

(d) “Unaudited Financial Statements” shall be defined as those financial statements prepared in accordance with United States generally accepted accounting principles, not

accompanied by the statements and representations as set forth in subparagraphs (2)(a)2., 3. and 4. of this rule, and shall include an oath or affirmation that such statement or report is true and correct to the best knowledge, information, and belief of the person making such oath or affirmation; such oath or affirmation shall be made before a person authorized to administer such oath or affirmation, and shall be made by a duly authorized representative of the entity for whom the financial statements were prepared.

(3) through (5) No change.

(6) Requirements for Securities Registration.

(a) through (c) No change.

(d) For purposes of Rule 69W-700.005, F.A.C., Individual General Partners shall submit an unaudited sheet which conforms to United States generally accepted accounting principles. Such balance sheet should be prepared on a cost basis. A two-column presentation showing both cost in the first column paralleled by a second column presenting estimated values will also be acceptable. However, the Office of Financial Regulation will not base the net worth computation on estimated values unless satisfactory evidence of the estimated values is presented to the Office of Financial Regulation.

(7) No change.

Specific Authority 517.03 FS. Law Implemented 517.081, 517.12 FS. History–New 12-5-79, Amended 9-20-82, Formerly 3E-300.02, Amended 6-28-93, 11-22-93, 12-24-95, 9-19-00, 10-30-03, Formerly 3E-300.002, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-301.002
RULE TITLE: Processing of Applications

PURPOSE AND EFFECT: This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rule amendments implement and reflect the statutory changes. In particular, the proposed rule amendments adopt a new form that is to be used by Canadian Dealers for notice filings.

SUMMARY: The proposed rule amendments adopt a new form that is to be used by Canadian Dealers for notice filings.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03(1), 517.12, 517.1201 FS.

LAW IMPLEMENTED: 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-301.002 Processing of Applications.

(1) through (6) No change.

(7)(a) The forms referred to in this section below are incorporated by reference and readopted by this rule for the purposes of Rule Chapters 69W-100 through 69W-900, F.A.C.:

1. through 12. No change.

13. OFR Form DA-5-91, Issuer/Dealer Compliance Form (Revised 1/91); ~~and~~

14. Form FL921250Z, Florida Fingerprint Card (Revised 1/91) and:

15 OFR Form CAN, Canadian Dealer Notification (New _____).

(b) through (c) No change.

Specific Authority 517.03(1), 517.12, 517.1201 FS. Law Implemented 120.60(1), 517.051, 517.081, 517.082, 517.12, 517.161(5) FS. History—Revised and Transferred from 3E-300.01, 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 2-1-87, 12-8-87, 7-29-90, 7-31-91, 6-16-92, 1-10-93, 3-13-94, 10-1-96, 10-23-97, 6-22-98, 6-10-99, 5-7-00, 7-10-02, Formerly 3E-301.002, Amended 3-16-06, _____.

NAME OF PERSON ORIGINATING PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:
69W-400.001

RULE TITLES:
Rules for Eleemosynary and Religious Organizations Under the Requirements of Section 517.051(9), F.S.

69W-400.003

Rules for Government Securities Under Section 517.051(1), F.S.

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law requires financial statements to be prepared in accordance with United States generally accepted accounting principles. The rules are amended to reflect this requirement.

SUMMARY: The proposed rule amendments provide that financial statements must be prepared in accordance with United States generally accepted accounting principles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03, 517.051 FS.

LAW IMPLEMENTED: 517.051, 517.12 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-400.001 Rules for Eleemosynary and Religious Organizations Under the Requirements of Section 517.051(9), F.S.

The requirement of Section 517.051(9), F.S., that no persons shall directly or indirectly offer or sell securities under this section except by an offering circular containing full and fair disclosure shall be deemed satisfied if the following information is contained in the offering circular which is provided to each offeree prior to sale.

(1) In the case of an offering not in excess of \$250,000 of securities in reliance upon the exemption:

(a) through (g) No change.

(h) The following financial statements of the issuer prepared in conformance with United States generally accepted accounting principles ~~generally accepted accounting principals~~:

1. A balance sheet and statement of profit and loss as of a date not earlier than the end of the last fiscal year of the issuer; provided, however, that if the last fiscal year shall have ended within 90 days of the date of the circular in which such data is to be included, such data may be supplied as of a date not earlier than the end of the fiscal year preceding the last fiscal year of the issuer;

2. If the balance sheet and statement of profit and loss included in an offering circular pursuant to subparagraph 1. above are as of a date 120 days prior to the date of the offering circular in which such data are included, sales and net income information as of a date not earlier than 90 days prior to the date of the offering circular shall be included.

(2) In the case of an offering in excess of \$250,000 of securities in reliance upon the exemption:

(a) through (y) No change.

(z) The following financial statements of the issuer prepared in conformance with United States generally accepted accounting principles:

1. A balance sheet and statement of profit and loss as of a date not earlier than the end of the last fiscal year of the issuer; provided, however, that if the last fiscal year shall have ended within 90 days of the date of the circular in which such data is to be included, such data may be supplied as of a date not earlier than the end of the fiscal year preceding the last fiscal year of the issuer.

2. If the balance sheet and statement of profit and loss included in an offering circular pursuant to subparagraph 1. above are as of a date 120 days prior to the date of the offering circular in which such data are included, sales and net income information as of a date not earlier than 90 days prior to the date of the offering circular shall be included.

(3) through (4) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.051(9), 517.12(2) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-400.01, Amended 10-14-90, Formerly 3E-400.001, Amended _____.

69W-400.003 Rules for Government Securities Under Section 517.051(1), F.S.

For purposes of the exemption of Section 517.051(1), F.S., any issuer or guarantor of securities which are or have been in default shall be deemed to have satisfied the requirement of full and fair disclosure, thereby entitling the securities issued or guaranteed by such person to the exemption granted therein, if the following information is contained in an offering circular provided to each offeree prior to any sale of such securities:

(1) A description of each and every default by the issuer and guarantor including:

(a) through (g) No change.

(h) Financial statements for the last two (2) fiscal years prepared and presented in accordance with United States generally accepted accounting principles ~~Generally Accepted Accounting Principals as adopted by the American Institute of Certified Public Accountants and in existence on June 1, 1992~~. Such statements shall additionally have been audited by an independent governmental audit organization or by an independent certified public accountant; and

(i) through (2) No change.

Specific Authority 517.03(1), 517.051(1) FS. Law Implemented 517.051(1) FS. History--New 12-8-87, Amended 2-17-93, Formerly 3E-400.003, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-500.04

RULE TITLE: Computation of Number of Purchasers for Purposes of Section 517.061(11), Florida Statutes

PURPOSE AND EFFECT: The rule is being clarified to conform to statutory requirements regarding the exclusion of certain individuals as purchasers for securities offerings under Section 517.061(11), F.S.

SUMMARY: The rule is clarified to conform to statutory requirements regarding the exclusion of certain individuals as purchasers for securities offerings under Section 517.061(11), F.S.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.061 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-500.004 Computation of Number of Purchasers for Purposes of Section 517.061(11), F.S.

(1) The following purchasers shall be excluded in computing the number of purchasers for purposes of Section 517.061(11), F.S.:

(a) No change.

(b) Any trust or estate in which a purchaser or any of the persons related to him as specified in paragraph (1)(a) or (c) of this rule collectively owns more than 50% ~~own 100%~~ of the beneficial interest in such trust or estate (excluding contingent interests); and

(c) Any corporation or other organization of which a purchaser or any of the persons related to him as specified in paragraphs (1)(a) and (b) of this rule, collectively, are the beneficial owners of more than 50% of all the equity securities (excluding directors' qualifying shares) or equity interest;

(d) through (f) No change.

(2) No change.

Specific Authority 517.03 FS. Law Implemented 517.061(11) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-500.04, Amended 7-31-91, Formerly 3E-500.004, Amended.

NAME OF PERSON ORIGINATING PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission
DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Securities

RULE NOS.:	RULE TITLES:
69W-600.001	Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser
69W-600.0015	Application for Registration as a Canadian Dealer
69W-600.002	Application for Registration as Associated Person
69W-600.004	Registration of Issuer/Dealers, Principals and Branch Offices

69W-600.006	Associated Persons' Fingerprints
69W-600.009	Registration Renewals
69W-600.0091	Central Registration Depository System
69W-600.0092	Investment Adviser Registration Depository for Federal Covered Advisers
69W-600.0093	Investment Adviser Registration Depository for Investment Advisers
69W-600.014	Books and Records Requirements
69W-600.016	Net Capital Requirements for Dealers and Investment Advisers

PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. The proposed rules also revise provisions regarding net capital requirements for dealers and investment advisers.

SUMMARY: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law contains a number of provisions relating to the licensing and regulatory functions of the Office of Financial Regulation. Among other things, the law amends provisions concerning licensing, notice filings, and other regulatory provisions in the area of securities regulation. The proposed rules implement and reflect the statutory changes. The proposed rules also revise provisions regarding net capital requirements for dealers and investment advisers.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03, 517.12, 517.121, 517.1215, 517.1201 FS.

LAW IMPLEMENTED: 517.12, 517.121, 517.1201, 517.1205, 517.1215 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULES IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULES IS:

69W-600.001 Application for Registration as a Dealer, Issuer/Dealer, or Investment Adviser.

(1)(a) Applications for initial and renewal registration of dealers, issuer/dealers, and investment advisers shall be filed on the forms prescribed by the Financial Services Commission in subsection 69W-301.002(7), F.A.C., and shall include all information required by such forms, any other information the Financial Services Commission or Office of Financial Regulation may require, and payment of the statutory fees required by Sections 517.12(10) and 517.131, F.S. Except as otherwise provided in Rule 69W-600.0091 or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the ~~Department of Financial Services Office of Financial Regulation~~. For dealers that are members of the National Association of Securities Dealers (NASD), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository (CRD) of the NASD in accordance with Rule 69W-600.0091, F.A.C. For investment advisers, such application ~~shall may~~ be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. For registration as a dealer or issuer/dealer, a Uniform Application for Broker-Dealer Registration, Form BD, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD in accordance with Rule 69W-600.0091, F.A.C. For registration as an investment adviser, a Uniform Application for Investment Adviser Registration, Form ADV, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. shall be filed with the Office of Financial Regulation. Such application ~~shall may~~ be filed with the Office of Financial Regulation through the Investment Adviser Registration Depository (IARD) of the NASD in accordance with Rule 69W-600.0093, F.A.C.;

2. No change.

3. A Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., to register at least one principal as set forth in Rule 69W-600.002, F.A.C.

~~For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any principal shall be filed through the CRD as set forth in Rule 69W-600.002, F.A.C. In conjunction with filing its Form BD or Form ADV with the Office of Financial Regulation, the dealer, issuer/dealer, or investment adviser shall provide the Office of Financial Regulation written notification of the principal's name, CRD number, and social security number. Evidence of current membership as a dealer with the NASD shall satisfy this requirement;~~

4. through 9. No change.

(2) No change.

(3) No change.

~~(4) It will not be the policy of the Office of Financial Regulation to issue verbal effectiveness or verbal up dates on applications filed with the Office of Financial Regulation unless the Office of Financial Regulation deems it to be necessary to issue such verbal information.~~

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), 517.1205 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.01, Amended 7-29-90, 8-1-91, 6-16-92, 1-11-93, 11-14-93, 4-30-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, Formerly 3E-600.001, Amended 3-16-06,_____.

69W-600.0015 Application for Registration as a Canadian Dealer.

All Canadian dealers making initial and renewal notice filing, or terminating a notice filing in this state shall file OFR Form CAN and the fee required by Section 517.12(17)(b), F.S., with the Office of Financial Regulation. Any notice filing made by a Canadian dealer with the Office of Financial Regulation shall be deemed received by the Office of Financial Regulation at such time as OFR Form CAN and the fee have been date stamped by the cashier's office of the Department of Financial Services. When requested by the Office of Financial Regulation, OFR Form CAN and all responses to any other requests for additional information shall be filed directly with the Office of Financial Regulation. OFR Form CAN, Canadian Dealer Notification, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03 FS. Law Implemented 517.12 FS. History—New_____.

69W-600.002 Application for Registration as Associated Person.

(1)(a) Applications for initial, reaffiliation, and renewal registrations of a principal or associated person shall be filed on Form U-4, ~~Uniform Application for Securities Industry Registration or Transfer~~, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., and shall include all information required by such form, any other information the Office of Financial Regulation may require, and payment of the statutory fees required by Section 517.12(10), F.S. Except as otherwise provided in Rule 69W-600.0091, 69W-600.0092,

or 69W-600.0093, F.A.C., the Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date-stamped by the cashier's office of the Department of Financial Services Office of Financial Regulation. For dealers that are member of the National Association of Securities Dealers ("NASD"), such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0091, F.A.C. For federal covered advisers, such application shall be filed with the Office of Financial Regulation through the Central Registration Depository ("CRD") of the NASD in accordance with Rule 69W-600.0092, F.A.C. For investment adviser applicants and registrants who file via the IARD, such application ~~shall~~ may be filed with the Office of Financial Regulation through the CRD of the NASD in accordance with Rule 69W-600.0093, F.A.C.

(b) A complete initial application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. ~~Uniform Application for Securities Industry Registration or Transfer, Form U-4, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~ As used on the Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, the term "Office of Employment Address" shall mean the location where the person seeking registration will regularly conduct business on behalf of the dealer or investment adviser. For dealers that are members of the NASD, such application shall be filed with the Office of Financial Regulation through the CRD of the NASD. Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

2. Statutory fee in the amount of ~~\$30~~ \$40, for each registration sought, as required by Section 517.12(10), F.S.

3. through 4. No change.

5. A complete Florida Fingerprint Card (FL92150Z) when required under Section 517.12(7), F.S., and Rule 69W-600.006, F.A.C., provided by the Office of Financial Regulation and taken by an authorized law enforcement agency and accompanied by a non-refundable \$47 processing fee. Form FL92150Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

~~If the fingerprint card cannot be processed by the Federal Bureau of Investigation because of illegible fingerprints, a second card must be submitted. If that card also cannot be processed, it will be necessary to submit a third card along with a fee of \$24 to cover the cost of processing the card charged by the FBI.~~

(c) If the information contained in any Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, becomes inaccurate for any reason before or after the

associated person becomes registered, the associated person through the dealer or investment adviser, as applicable, shall be responsible for correcting the inaccurate information within thirty (30) days. If the information being updated relates to the applicant's or registrant's disciplinary history, in addition to updating the Form U-4, ~~which is incorporated by reference in subsection 69W-301.002(7), F.A.C.~~, the associated person through the dealer or investment adviser shall also provide the Office of Financial Regulation with notice and copies of each civil, criminal or administrative action initiated against the associated person as provided in Rule 69W-600.010, F.A.C. For associated persons who have filed by using the CRD of the NASD, such amendments shall be made through the CRD of the NASD. Form U-4, Uniform Application for Securities Industry Registration or Transfer, is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(6), (7), (10), 517.1205 FS. History—New 9-20-82, Formerly 3E-301.02, Amended 10-15-86, 10-4-88, 6-24-90, 7-29-90, 10-14-90, 8-1-91, 6-16-92, 6-28-93, 11-14-93, 3-13-94, 4-30-96, 12-29-96, 6-22-98, 5-10-00, 9-19-00, 7-31-02, 12-11-03, Formerly 3E-600.002, Amended 3-16-06, _____.

69W-600.004 Registration of Issuer/Dealers, Principals and Branch Offices.

(1) through (2) No change.

(3)(a) Every branch office of a registered Florida dealer or investment adviser shall be registered with the Office of Financial Regulation prior to engaging in business therefrom. Such registration shall consist of an application filed with the Office of Financial Regulation on the forms prescribed by the Office of Financial Regulation and payment of the statutory fees required by Section 517.12(10), F.S. The Office of Financial Regulation shall deem an application to be received at such time as it and the appropriate fee have been date stamped by the cashier's office of the Department of Financial Services Office of Financial Regulation. Such office may or may not be designated as an Office of Supervisory Jurisdiction (OSJ) at the discretion of the registrant. A manager for each branch office shall be designated and registered with the Office of Financial Regulation as a principal. For such offices not designated as an OSJ, the branch office manager need not be located at the office(s) for which he is delegated supervisory responsibility; however, in such cases, the registrant must specify in writing to the Office of Financial Regulation, the names of the associated persons designated as resident agent in charge as well as the branch office manager. For any dealer that is a member of the NASD, or any investment adviser, the application for registration of any branch office shall be filed with the Office of Financial Regulation through the CRD.

(b) A complete application must include the following exhibits or forms that are appropriate for the type of registration requested:

1. Form BR, ~~Uniform Branch Office Registration Form~~, which is incorporated by reference under subsection 69W-301.002(7), F.A.C.

2. through 3. No change.

4. Evidence of current registration or exemption from the registration requirements of ~~with~~ the Florida Secretary of State ~~as a foreign corporation.~~

(c) If the information contained in any branch office registration form becomes inaccurate or incomplete for any reason before or after the branch office becomes registered, including changing the location of the branch office or the supervisory personnel thereof, the dealer or investment adviser shall amend the information by filing a complete and originally executed Form BR, ~~Uniform Branch Office Registration Form, which is incorporated by reference in subsection 69W-301.002(7), F.A.C.,~~ with the Office of Financial Regulation within thirty (30) days of the change and denoting thereon that the information reported is an amendment to a previous filing. For any dealer that is a member of the NASD, or any investment adviser, the Form BR shall be filed with the Office of Financial Regulation through the CRD, as set forth in this rule. A non-NASD member registrant may amend the branch office registration information by submitting a Form BR directly with the Office of Financial Regulation. Form BR, Uniform Branch Office Registration Form, is incorporated by reference in subsection 69W-301.002(7), F.A.C. In lieu of filing Form BR, which is incorporated by reference in subsection 69W-301.002(7), F.A.C., a registrant may amend the branch office registration information electronically at the time of renewal by following the applicable instructions on the Office of Financial Regulation's website (www.fldfs.com/ofr) on the Internet. Also, a registrant may change the address or terminate a branch office location by submission of the request in writing to the Office of Financial Regulation in lieu of filing Form BR, which is incorporated by reference in subsection 69W-301.002(7), F.A.C. Failure to file any amendment or written notification, as provided herein, shall be considered a violation of Section 517.12(13), F.S.

(d) No change.

Specific Authority 517.03(1), 517.12(6) FS. Law Implemented 517.12(5), (6), (10) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.04, Amended 10-14-90, 6-16-92, 1-11-93, 11-7-93, 11-14-93, 12-29-96, 10-20-97, 6-10-99, 8-19-99, 5-27-01, 7-31-02, Formerly 3E-600.004, Amended 3-16-06, _____.

69W-600.006 Associated Persons' Fingerprints.

Fingerprints filed in accordance with Section 517.12(7), Florida Statutes, shall be on fingerprint cards supplied by the Office of Financial Regulation (~~Form FL921250Z, (Revised 4/91) which is hereby incorporated by reference taken by an authorized law enforcement agency, and accompanied by a non-refundable \$47 processing fee. Form FL921250Z, Florida Fingerprint Card, is incorporated by reference in subsection 69W-301.002(7), F.A.C. The~~ Such fingerprint card

requirement is waived ~~cards are not required to be filed for those associated persons requesting registration with a dealer which is affiliated with a dealer or investment adviser registered with a national securities exchange or national securities association or the Securities and Exchange Commission, provided that fingerprints have been processed for such persons pursuant to the provisions of SEC. rule 17f-2 (17 C.F.R. 240.17f-2 2006), which is hereby incorporated by reference,~~ by said person's current employer.

Specific Authority 517.03 FS. Law Implemented 517.12(7) FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.06, Amended 8-1-91, Formerly 3E-600.006, Amended _____.

69W-600.009 Registration Renewals.

(1) No change.

(2) In addition to verifying registration with the Office of Financial Regulation as provided in subsection (1), to renew its registration and that of its branch offices and associated persons, each dealer or investment adviser shall pay all renewal fees as required by Section 517.12(11), F.S.

(a) Renewal fees for NASD member firms, associated persons of NASD member firms, and branch offices of NASD member firms, shall be submitted through the CRD by December 31 of the year the registration expires.

(b) Renewal fees for investment advisers shall be submitted through the IARD by December 31 of the year the registration expires. Renewal fees for associated persons of investment advisers, and branch offices of investment advisers, shall be submitted through the CRD by December 31 of the year the registration expires.

(c) Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices of non-NASD member firms shall be sent directly to the Office of Financial Regulation. The Office of Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Department of Financial Services. All renewal fees must be received by the Office of Financial Regulation by December 31 of the year the registration expires. Renewal fees for non-NASD member firms, associated persons of non-NASD member firms and all branch offices shall be sent directly to the Office of Financial Regulation or may be paid electronically by following the applicable instructions on the Office of Financial Regulation's website (www.dbf.state.fl.us) on the Internet. The Office of Financial Regulation shall deem a fee received as payment at such time as it has been date stamped by the cashier's office of the Office of Financial Regulation or the date the renewal process has been completed on the Office of Financial Regulation's website. All renewal fees for NASD member firms and for associated persons of NASD member firms shall be submitted through the CRD. All renewal fees must be

~~received by the Office of Financial Regulation or the CRD by the last business day prior to January 1 of the year following the year the registration expires.~~

(3) Failure to submit the requisite amount of fees ~~to the Office of Financial Regulation or to the NASD as appropriate and~~ as provided for in subsection (2) of this rule by December 31 of the year of expiration of the registration shall result in such registration not being renewed. If December 31 falls on a Saturday, Sunday or legal holiday pursuant to Section 110.117, F.S., the renewals received on the next business day will be considered timely received. However, an expired registration may be reinstated in accordance with the provisions of Section 517.12(11), F.S., provided that all requisite information and fees are date stamped by the cashier's office of the Department of Financial Services filed with the Office of Financial Regulation on or before January 31 of the year following the year of expiration. Failure to submit the requisite amount of fees necessary to reinstate registration by January 31 of the year following the year of expiration shall result in such registration not being reinstated. If January 31 falls on a Saturday, Sunday, or legal holiday pursuant to Section 110.117, F.S., the reinstatement received on the next business day will be considered timely received. In the event that the renewal or reinstatement is withdrawn or not granted, any fees filed to renew or reinstate registration shall become the revenue of the state pursuant to Section 517.12(10), F.S., and shall not be returnable.

Specific Authority 517.03(1), 517.12(6), (15) FS. Law Implemented 517.12(6), (10), (11), (15) FS. History—New 12-5-79, Amended 9-20-82, 8-29-83, Formerly 3E-600.09, Amended 1-7-88, 6-16-92, 11-14-93, 2-5-01, 5-27-01, Formerly 3E-600.009, Amended _____.

69W-600.0091 Central Registration Depository System.

~~Wherever the rules of this Office of Financial Regulation require the filing of applications, fees, and other documents with the Office of Financial Regulation, in lieu thereof, all dealers who are members of the National Association of Securities Dealers, Inc. (NASD) shall file such items as hereinafter specifically provided:~~

(1) All NASD member dealers requesting initial registration, amendment ~~renewal~~ or termination of registration in this state shall file the appropriate Form BD or BDW, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the Central Registration Depository System (“CRD”) of the NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application fee shall

be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(2) All NASD member dealers registered in this state requesting initial registration, amendment, or termination of a branch office of such member dealer shall file the appropriate Form BR and the application fee required by Section 517.12(10) or (11), F.S., with the CRD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

(3)~~(2)~~ All NASD member dealers registered in this state requesting initial registration, amendment, ~~renewal~~, reaffiliation or termination of an associated person of such member dealer shall file the appropriate Form U-4 or U-5, which are incorporated by reference in subsection 69W-301.002(7), F.A.C., and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any application for registration as an associated person of an NASD member dealer filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen.

(3) Any application for registration as an associated person of an NASD member dealer filed with the Office of Financial Regulation via the CRD shall be deemed received by the Office of Financial Regulation on the date designated in the “Status Date” field on the line notated “FL” with a “Registration Status” of “pending” as indicated on the CRD “Registrations with Current Employers” screen.

(4) Any application for registration as a dealer filed with the Office of Financial Regulation via the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BD and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the “payment date” reflected on the CRD “disbursement detail” report.

Specific Authority 517.03, 517.12(15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 8-29-83, Formerly 3E-600.091, Amended 8-1-91, 6-16-92, 4-30-96, 9-19-00, Formerly 3E-600.0091, Amended _____.

(Substantial rewording of Rule 69W-600.0092 follows. See Florida Administrative Code for present text)

69W-600.0092 Investment Adviser Registration Depository for Federal Covered Advisers.

(1) All federal covered advisers making, amending, or terminating a notice filing in this state shall file Form ADV or Form ADV-W and the assessment fee required by Section 517.1201(1) or (2), F.S., with the Investment Adviser Registration Depository (IARD) of the NASD. When requested by the Office of Financial Regulation, Form ADV, Part 2, and all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Any notice filing made by a federal covered adviser with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All federal covered advisers who notice file in this state and who request initial registration, amendment, reaffiliation or termination of an associated person of such federal covered adviser shall file the Form U4 or Form U5, and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U4 and U5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03, 517.12(6), (15), 517.1201 FS. Law Implemented 517.1201(1), (2), (15) FS. History—New 7-31-02, Formerly 3E-600.0092, Amended 3-16-06,_____.

(Substantial rewording of Rule 69W-600.0093 follows. See Florida Administrative Code for present text)

69W-600.0093 Investment Adviser Registration Depository for Investment Advisers.

(1) All investment advisers requesting initial registration, amendment, or termination of registration in this state shall file the Form ADV or ADV-W and the assessment fee required by Section 517.12(10) or (11), F.S., with the Investment Adviser Registration Depository (IARD) of the NASD. Form ADV, Part 2, and all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Investment advisers shall file Form ADV, Part 2 with the IARD at such time as the IARD develops the capability to process the form. Applications for registration as an investment adviser filed with the Office of Financial Regulation through the IARD shall be deemed received by the Office of Financial Regulation upon receipt of the Form ADV and the filing fee. The filing fee shall

be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Forms ADV and ADV-W are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(2) All investment advisers registered in this state through the IARD requesting initial registration, amendment, or termination of a branch of such investment adviser shall file Form BR and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Applications for registration as a branch office filed with the Office of Financial Regulation through the CRD shall be deemed received by the Office of Financial Regulation upon receipt of the Form BR and the application fee. The application fee shall be deemed received by the Office of Financial Regulation on the "payment date" reflected on the CRD "disbursement detail" report. Form BR is incorporated by reference in subsection 69W-301.002(7), F.A.C.

(3) All investment advisers registered in this state through the IARD requesting initial registration, amendment, reaffiliation or termination of an associated person of such investment adviser may file Form U4 or Form U5 and the assessment fee required by Section 517.12(10) or (11), F.S., with the CRD of the NASD. However, all responses to requests by the Office of Financial Regulation for additional information shall be filed directly with the Office of Financial Regulation. Forms U4 and U5 are incorporated by reference in subsection 69W-301.002(7), F.A.C.

(4) All investment advisers currently registered with the Office of Financial Regulation shall transition their Florida registrations onto IARD of the NASD, and the Florida registrations of their associated person onto the CRD of the NASD, by June 30, 2007. All investment advisers who transition onto IARD of the NASD shall file a complete Form ADV through the IARD of the NASD within 30 days after the transition date. All associated persons who transition onto the CRD of the NASD shall file a complete Form U4 through the CRD of the NASD within 30 days after the transition date. Form U4 and Form ADV are incorporated by reference in subsection 69W-301.002(7), F.A.C.

Specific Authority 517.03, 517.12(6), (15) FS. Law Implemented 517.12(10), (11), (15) FS. History—New 7-31-02, Formerly 3E-600.0093, Amended 3-16-06,_____.

69W-600.014 Books and Records Requirements.

Except as otherwise provided herein, every dealer, investment adviser, branch office, and associated person conducting business in this state shall prepare and maintain on a current basis, and preserve for the periods of time specified, such records, prescribed herein, as are appropriate for said dealer's, investment adviser's, branch office's, or associated person's course of business, and are sufficient to provide an audit trail of

all business transactions by said dealer, investment adviser, associated person, or branch office. Associated persons who conduct business from a registered branch office in this state shall be exempt from the provisions of this rule.

(1) No change.

(2) All issuer/dealers are required to maintain at least the following records:

(a) Ledgers, journals (or other records) reflecting all assets, liabilities, income and expenses, and capital accounts properly maintained in accordance with United States generally accepted accounting principles principals;

(b) through (e) No change.

(3) All investment advisers, notwithstanding the fact that the investment adviser is not registered or required to be registered under the Investment Advisers Act of 1940, shall prepare and maintain true, accurate and current records relating to their business as described in SEC Rule 204-2, 17 C.F.R. § 275.204-2(2006), which is incorporated by reference; and have available for the Office of Financial Regulation at least the following records;

(a) All trial balances, financial statements prepared in accordance with United States generally accepted accounting principles, and internal audit working papers relating to the investment adviser's business as an investment adviser. For purposes of this paragraph, "financial statements" means balance sheets, income statements, cash flow statements and net worth computations as required by Rule 69W-300.002, F.A.C.

(b) through (k) No change.

(4) through (8) No change.

Specific Authority 517.03(1), 517.121(1), 517.1215 FS. Law Implemented 517.121(1), 517.1215 FS. History—New 12-5-79, Amended 9-20-82, Formerly 3E-600.14, Amended 10-14-90, 8-1-91, 6-16-92, 1-11-93, 9-9-96, 6-22-98, 1-25-00, 10-30-03, Formerly 3E-600.014, Amended 10-23-06, _____.

69W-600.016 Net Capital Requirements for Dealers and Investment Advisers.

(1) No change.

(2) All dealer applicants and registrants shall meet and at all times maintain the net capital and ratio requirements as prescribed by SEC Rule 15c3-1 including appendices A through D any appendices thereto (17 C.F.R. 240.15c3-1, 240.15c3-1a, 240.15c3-1b, 240.15c3-1c and 240.15c3-1d (Thomson/West 2006 (current through 71 FR 69409)), computed in accordance with said rule, ~~as such rule existed on January 1, 1993. The foregoing federal regulations are hereby incorporated by reference.~~

(a) All reporting requirements as specified in 17 C.F.R. 240.17a-11 (Thomson/West 2006 (current through 71 FR 69409)), ~~as such rule existed on January 1, 1993~~, when such regulation is referred in SEC Rule 15c3-1 shall be applicable with the exception that such reports and notifications required

by said rule shall be forwarded to the Office of Financial Regulation as well as the other regulatory agencies specified, if applicable. The foregoing federal regulations are hereby incorporated by reference.

(b) All references to 17 C.F.R. 240.17a-3 and 17 C.F.R. 240.17a-4, which are incorporated by reference in Rule 69W-600.014, F.A.C., as such provisions existed on January 1, 1993, in the foregoing and subsequent provisions of Office of Financial Regulation or SEC Rules as adopted by the Office of Financial Regulation, shall be read as to mean Office of Financial Regulation, Rule 69W-600.014, F.A.C.

(3) Issuer/dealer or investment adviser applicants or registrants shall meet the net capital requirements of this section:

(a) Investment advisers who have custody of client funds or securities or who receive payment of advisory fees six months or more in advance and in excess of \$500 per client shall maintain net capital in the amount of \$25,000 calculated as prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993. The foregoing federal regulations are incorporated by reference in subsection (2).~~

(b) Investment advisers who do not have custody of client funds or securities or who do not receive payment for advisory services six months or more in advance and in excess of \$500 per client shall maintain net capital: (1) in the amount of \$5,000 calculated as prescribed by SEC Rule 15c3-1 (17 CFR 240.15c3-1), including any ratio requirements and appendices thereto, ~~as such provisions existed on January 1, 1993~~; or (2) of at least \$2,500. The foregoing federal regulations are incorporated by reference in subsection 2. For purposes of option (2) of this subsection, net capital shall be defined as assets minus liabilities in accordance with Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992.

(c) Investment advisers who compute net capital in accordance with SEC Rule 15c3-1, ~~as such rule existed on January 1, 1993~~, may exclude liabilities which are subordinated to the claims of creditors pursuant to a subordination agreement, provided such agreement complies with all terms and conditions specified in Appendix D to SEC Rule 15c3-1 (17 CFR 240.15c3-1d), ~~as such provision existed on January 1, 1993~~, except for the requirement that such agreement be filed with and approved by the Securities and Exchange Commission. Those investment advisers who have subordination agreements in effect prior to the effective date of this subsection shall not be required to comply with the conditions specified in Appendix D to SEC Rule 15c3-1. Should the investment adviser renegotiate or enter into a new subordination agreement, the agreement must comply with the

provisions of Appendix D of SEC Rule 15c3-1. The foregoing federal regulations are incorporated by reference in subsection (2).

(d) ~~An issuer/dealer shall maintain net capital, defined as assets minus liabilities and computed in accordance with Generally Accepted Accounting Principles as adopted by the American Institute of Certified Public Accountants, as such provisions existed on June 1, 1992, of at least \$5,000, unless required elsewhere by these rules to maintain a greater minimum net capital.~~

(e) For the purposes of (3)(b), (2) and (3)(d) above, "net capital" means an excess of assets over liabilities, as determined by United States generally accepted accounting principles. Under these principles, assets do not include:

1. Prepaid expenses, other than items properly classified as current assets under United States generally accepted accounting principles;

2. Deferred charges;

3. Goodwill;

4. Franchise rights;

5. Organizational expenses;

6. Patents;

7. Copyrights;

8. Marketing rights

9. Un-amortized debt discount and expense;

10. Assets of an intangible nature;

11. A home, home furnishings, automobiles, and any other personal items not readily marketable, if the investment adviser is an individual;

12. A corporation's advances or loans to shareholders or officers; and

13. A partnership's advance or loans to partners.

(f) When liabilities can be shown to be collateralized by assets (including capital assets such as equipment, property, etc.) that are owned by the adviser, those liabilities are excluded from the computation. Likewise, liabilities owed to the owners or shareholders of the adviser are excluded. All other types of liabilities, including non-collateralized short and long term debt, must be included in the computation.

(g) To ensure compliance with Rule 69W-600.015, F.A.C., and this section, the Office of Financial Regulation may require, at the Office's discretion, that a current appraisal be submitted in order to establish the value of any asset, including unsecured notes, accounts receivable, or advanced commissions due from a salesperson, officer, director, partner, or affiliate. Such appraisal shall be substantiated by an opinion of a bank, finance company, or other lending institution satisfactory to the Office of Financial Regulation.

(h) Investment advisers who are also registered with the Office of Financial Regulation as a dealer are exempt from the requirements of this rule if the net capital required of the dealer by this rule exceeds the net capital required of the adviser, as

required by this rule. The adviser must provide, in accordance with Rule 69W-600.015, F.A.C., a notarized statement claiming this exemption.

(4) through (5) No change.

(6) All materials incorporated by reference in this rule may be obtained by mail from the Office of Financial Regulation, Bureau of Securities Regulation, 200 E. Gaines Street, Tallahassee, Florida 32399-0375.

Specific Authority 517.03(1) FS. Law Implemented 517.12(9), (16) FS. History--New 12-5-79, Amended 9-20-82, Formerly 3E-600.16, Amended 10-15-86, 8-1-91, 6-29-93, 11-22-93, Formerly 3E-600.016, Amended _____.

NAME OF PERSON ORIGINATING PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

FINANCIAL SERVICES COMMISSION

Securities

RULE NO.: 69W-700.005
 RULE TITLE: Promoters Equity Investment Ratio
 PURPOSE AND EFFECT: Chapter 2006-213, Laws of Florida, contains amendments to Chapter 517, Florida Statutes, relating to the Florida Securities and Investors Protection Act. This law requires financial statements to be prepared in accordance with United States generally accepted accounting principles. The rule is amended to reflect this requirement.

SUMMARY: The proposed rule amendments provide that financial statements must be prepared in accordance with United States generally accepted accounting principles.

SUMMARY OF STATEMENT OF ESTIMATED REGULATORY COST: No statement of estimated regulatory cost has been prepared.

Any person who wishes to provide information regarding the statement of estimated regulatory costs, or provide a proposal for a lower cost regulatory alternative, must do so in writing within 21 days of this notice.

SPECIFIC AUTHORITY: 517.03 FS.

LAW IMPLEMENTED: 517.081 FS.

IF REQUESTED WITHIN 21 DAYS OF THE DATE OF THIS NOTICE, A HEARING WILL BE SCHEDULED AND ANNOUNCED IN THE FAW.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

THE FULL TEXT OF THE PROPOSED RULE IS:

69W-700.005 Promoters Equity Investment Ratio.

(1) through (2) No change.

(3) In all limited partnership offerings, the following will be acceptable in lieu of a 15% ratio of equity investment:

(a) In order that a general partner(s) be sufficiently capitalized to indicate the ability to perform the commitments which are made in regard to such programs, the net worth of the individual general partner(s), excluding home, home furnishings and automobile or the net worth of the corporate general partner(s), must be equal to 15% of the aggregate amount of limited partnership interests to be sold with a maximum net worth requirement of \$250,000. The net worth of a general partner(s) shall be revealed by a balance sheet prepared by an independent certified public accountant in accordance with United States generally accepted accounting principles as prescribed in Rule 69W-300.002, F.A.C. The general partner(s) shall make a direct investment, net of commissions, in the limited partnership(s) equal to 5% of the aggregate amount of limited partnership interests to be sold with a maximum participation requirement of \$100,000. The required participation may be reduced by 10% of the general partner(s) net worth in excess of the amount required.

(b) through (d) No change.

Specific Authority 517.03(1) FS. Law Implemented 517.081(3), (7) FS. History--(Formerly 3E-20.03) New 9-20-82, Formerly 3E-700.05, Amended 10-26-97, Formerly 3E-700.005, Amended_____.

NAME OF PERSON ORIGINATING PROPOSED RULE IS: Pam Epting, Bureau Chief, Office of Financial Regulation, 200 East Gaines Street, 6th Floor, The Fletcher Building, Tallahassee, Florida 32399-0375, (850)410-9805

NAME OF SUPERVISOR OR PERSON WHO APPROVED THE PROPOSED RULE: Financial Services Commission

DATE PROPOSED RULE APPROVED BY AGENCY HEAD: February 13, 2007

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: December 22, 2006

Section III Notices of Changes, Corrections and Withdrawals

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

Division of Agricultural Environmental Services

RULE NO.: RULE TITLE:

5E-1.003 Labels or Tags

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 33, No. 6, February 9, 2007 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF COMMUNITY AFFAIRS

Division of Housing and Community Development

RULE NO.: RULE TITLE:

9B-70.002 Commission Approval and Accreditation of Advanced Building Code Training Courses

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 2, January 12, 2007 issue of the Florida Administrative Weekly.

(1) Approval of Course Accreditors. The Commission shall approve persons to serve as accreditors of advanced training courses. Persons ~~or entities~~ desiring to be accreditors shall apply using Form FBCED 2003-001 adopted herein by reference and available from the Building Code Information System at www.floridabuilding.org. Applications shall be accompanied by an application fee of \$100.00. Applications shall be approved by the Commission if the applicant has demonstrated five years of Florida Building Code expertise in the field for which approval is sought, and possesses an active license issued pursuant to Sections 471.015, 481.213, 481.311; 489, Part I or II, F.S.; or a standard certificate issued pursuant to Section 468.609, F.S. When an accreditor application is submitted to accredit only accessibility courses by an individual who can demonstrate proficiency acceptable to the Commission as a subject matter expert in the field of accessibility the Commission shall approve that applicant to accredit accessibility courses. Accreditors approved by the Commission under prior versions of this rule are authorized to continue accreditation of building code courses. Approval as an accreditor shall be revoked upon a finding by the Florida Building Commission that the accreditor has committed misfeasance or malfeasance related to the process of accreditation; accredited courses in violation of Florida Building Commission rule(s) related to courses reflecting the

building code(s), or Florida Statutes or rules; or failed to maintain the license that provided the basis for approval as an accreditor.

(2) through (3) No change.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

PUBLIC SERVICE COMMISSION

RULE NO.: RULE TITLE:
25-6.0423 Nuclear Power Plant Cost Recovery
NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 52, December 29, 2006 issue of the Florida Administrative Weekly.

Docket No. 060508-EI

25-6.0423 Nuclear Power Plant Cost Recovery

(1) No change.

(2) Definitions. As used in this rule, the following definitions shall apply:

(a) "Nuclear power plant" or "plant" is an electrical power plant that utilizes nuclear materials as fuel, as defined in Sections 403.503(13), ~~Florida Statutes~~ and Section 366.93(1)(c), Florida Statutes.

(b) No change.

(c) "Site selection." A site will be deemed to be selected upon ~~issuance of a final order granting~~ the filing of a petition for a determination of need for a nuclear power plant pursuant to Section 403.519, Florida Statutes.

(d) through (3) No change.

(4) Site Selection Costs. After the Commission has issued a final order granting a determination of need for a nuclear power plant pursuant to Section 403.519, Florida Statutes, a utility may file a petition for a separate proceeding, to recover prudently incurred site selection costs. This separate proceeding will be limited to only those issues necessary for the determination of prudence and alternative method for recovery of site selection costs of a nuclear power plant.

(5) Pre-Construction Costs and Carrying Costs on Construction Cost Balance. After the Commission has issued a final order granting a determination of need for a nuclear power plant pursuant to Section 403.519, Florida Statutes, a utility may petition the Commission for recovery of pre-construction costs and carrying costs of construction cost balance as follows:

(a) Pre-Construction Costs. A utility is entitled to recover, through the Capacity Cost Recovery Clause, its actual and projected pre-construction costs. The utility may also recover the related carrying charge for those costs not recovered on a projected basis. Such costs will be recovered within 1 year, unless the Commission approves a longer recovery period. Any party may, however, propose a longer period of recovery, not to exceed 2 years on an annual basis, or may, as proposed by the utility in its petition or any other party and approved by the Commission, be recovered over a greater period of years.

1. No change.

2. The Commission shall include pre-construction costs determined to be reasonable and prudent in setting the factor in the annual Capacity Cost Recovery Clause proceedings, as specified in subparagraph (5)(c)~~3, 2,~~ of this rule. Such costs shall not be subject to disallowance or further prudence review ~~in that proceeding.~~

(b) through 2. No change.

3. The Commission shall include carrying costs on the balance of construction costs determined to be reasonable or ~~and~~ prudent in setting the factor in the annual Capacity Cost Recovery Clause proceedings, as specified in paragraph (5)(c) of this rule. ~~Such factor shall not be subject to disallowance or further prudence review in that proceeding.~~

(c) Capacity Cost Recovery Clause for Nuclear Costs.

1. Each year, a utility shall submit, for Commission review and approval, as part of its Capacity Cost Recovery Clause filings:

a. True-Up for Previous Years. By March 1, April 1, a utility shall submit its final true-up of pre-construction expenditures, based on actual preconstruction expenditures for the prior year and previously filed expenditures for such prior year and a description of the pre-construction work actually performed during such year; or, once construction begins, its final true-up of carrying costs on its construction expenditures, based on actual carrying costs on construction expenditures for the prior year and previously filed carrying costs on construction expenditures for such prior year and a description of the construction work actually performed during such year.

b. through c. No change.

2. The Commission shall, prior to October 1 August 15 of each year, conduct a hearing and ~~to~~ determine the reasonableness of projected pre-construction expenditures and the prudence of actual pre-construction expenditures expended by the utility; or, once construction begins, to determine the reasonableness of projected carrying costs on construction expenditures and the prudence of actual carrying costs on construction expenditures expended by the utility, and the associated carrying costs. Within 15 30 days of the Commission's vote, the Commission shall enter its order. Annually, One year after the true up of actual carrying charges, the Commission shall make a an ~~an~~ annual prudence determination of the prior year's annual actual construction

costs and associated carrying costs. To facilitate this determination, the Commission shall conduct an on-going auditing and monitoring program of construction costs and related contracts pursuant to Section 366.08, Florida Statutes. In making its determination of reasonableness and prudence the Commission shall apply the standard provided pursuant to Section 403.519(4)(e), Florida Statutes.

3. The Commission shall include those costs it determines, pursuant to this subsection, to be reasonable or prudent in setting the ~~factor in the annual~~ Capacity Cost Recovery Clause factor in the annual Fuel and Purchased Power Cost Recovery proceedings. Such prior year actual costs associated with nuclear power plant construction subject to the annual proceeding shall not be subject to disallowance or further prudence review ~~in that proceeding~~.

4. The final true-up for the previous year, actual/estimated true-up for the current year, and subsequent year's projected nuclear power plant costs as approved by the Commission pursuant to subparagraph (5)(c)2. will be included for cost recovery purposes as a component of the ~~over/under recovered balance to be included in the~~ following year's capacity nuclear power plant cost recovery factor in the Fuel and Purchase Power Cost Recovery proceeding. The utility must file all necessary revisions to the fuel and purchased power cost recovery filings no later than October 15 of the current year.

5. No change.

(6) through (a) No change.

(b) The amount recovered under this subsection will be the remaining unrecovered Construction Work in Progress (CWIP) balance at the time of abandonment and future payment of all outstanding costs and any other prudent and reasonable exit costs. The unrecovered balance during the recovery period will accrue interest at the utility's overall pretax weighted average midpoint cost of capital on a Commission adjusted basis as reported by the utility in its Earnings Surveillance Report filed in December of the prior year, utilizing the midpoint of return on equity (ROE) range or ROE approved for other regulatory purposes, as applicable.

(7) Commercial Service. As operating units or systems associated with the nuclear power plant and the nuclear power plant itself are placed in commercial service:

(a) The utility shall file a petition for Commission approval of the base rate increase pursuant to Section 366.93(4), Florida Statutes, separate from any cost recovery clause petitions, that includes any and all costs reflected in such increase, whether or not those costs have been previously reviewed by the Commission; provided, however, that any actual costs previously reviewed and determined to be prudent in the Capacity Cost Recovery Clause ~~to which administrative finality has attached~~, shall not be subject to disallowance or further prudence review except for fraud, perjury, or intentional withholding of key information.

(b) through (e) No change.

(8) A utility shall, contemporaneously with the filings required by paragraph (5)(c) above, file a detailed statement of project costs sufficient to support a Commission determination of prudence, including, but not limited to, the information required in paragraphs (8)(b)-(e), below.

(a) Subject to suitable confidentiality agreements or, to the extent necessary, protective orders issued by the Commission, a utility will ensure reasonably contemporaneous access, which may include access by electronic means, for review by parties of all documents relied on by utility management to approve expenditures for which cost recovery is sought. Access to any information that is "Safeguards Information" as defined in 42 U.S.C. 2167 and 10 C.F.R. 73.21, incorporated by reference into this Rule, shall only be in accordance with applicable Nuclear Regulatory Commission requirements.

(b) Regarding technology selected, a utility shall provide a description of the technology selected that includes, but is not limited to, a review of the technology and the factors leading to its selection.

(c) The annual true-up and projection cost filings shall include a list of contracts executed in excess of \$1 million to include the nature and scope of the work, the dollar value and term of the contract, the method of vendor selection, the identity and affiliation of the vendor, and current status of the contract.

(d) Final true-up filings and actual/estimated true-up filings will include monthly expenditures incurred during those periods for major tasks performed within Site Selection, Preconstruction and Construction categories. A utility shall provide annual variance explanations comparing the current and prior period to the most recent projections for those periods filed with the Commission.

(e) Projection filings will include monthly expenditures for major tasks performed within Site Selection, Preconstruction and Construction categories.

(f) No change.

Specific Authority 350.127(2), 366.05(1) FS. Law Implemented 366.93 FS. History--New_____.

DEPARTMENT OF ELDER AFFAIRS
Division of Volunteer and Community Services

RULE NOS.:	RULE TITLES:
58B-1.003	Operating Procedures
58B-1.005	Monitoring and Sanctioning of Access Points
58B-1.009	Outcome Measures and Quality Assurance Standards

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 50, December 15, 2006 issue of the Florida Administrative Weekly.

The changes are being made in response to comments received from the rule hearing conducted on January 10, 2007 and comments received from the Joint Administrative Procedures Committee dated January 19, 2007. The changes are as follows:

58B-1.003 Operating Procedures.

(1) SERVICE DELIVERY and ACCESSIBILITY. At a minimum, information shall be provided to all persons accessing the ARC by telephone, the Internet, or in person.

(a) through (b) No change.

(c) The ARC shall ensure there is a system in place for answering and responding to calls received outside of the regular business hours.

1. The system shall, at a minimum, identify the agency, hours of operation, and give callers the option to leave a message ~~or speak with a live attendant. The live attendant may be a private answering service.~~

2. through 3. No change.

(d) No change.

(2) through (4) No change.

(5) RECORDS: The ARC shall maintain books, records, and documents (including electronic storage media) in accordance with generally accepted accounting principles and sound business practices that sufficiently and properly reflect all revenues and expenditures of funds provided by the department. This documentation shall be made available upon request for monitoring and auditing purposes.

(a) No change.

(b) The ARC shall be audited annually by an independent accounting firm and shall submit the final report of the audit to the Department within nine ~~six~~ months after the end of the ARC's fiscal year.

(6) No change.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History--New_____.

58B-1.005 Monitoring and Sanctioning of Access Points Service Providers.

This rule applies only to access points that have a direct monetary funding agreement with the ARC.

(1) MONITORING: ~~The ARC shall perform administrative, programmatic, quality assurance, and, if applicable, fiscal monitoring of access points to ensure compliance with ARC agreements.~~

(a) Monitoring Elements: As part of the monitoring process, the ARC shall ensure that, at a minimum, the areas referenced in 1. through 7. of this subsection are reviewed. Access points shall have this information available for the ARC's review: At a minimum, the ARC shall perform an annual on-site administrative, programmatic, quality assurance, and, if applicable, fiscal monitoring of access points to ensure compliance with ARC agreements.

~~1.(a) The ARC shall ensure An appropriate methods for monitoring and sanctioning access points, including a grievance process is in place for a subcontracted entity, if the entity is eligible to file a grievance;~~

~~(b) In addition to monitoring access points in accordance with ARC agreements, ARC monitoring procedures shall include, at a minimum, the following elements:~~

~~2.1. Ensuring that Pprofessional staff has the minimum educational and experience requirements required in Rule 58B-1.003, F.A.C.;~~

~~3.2. Functional screening and financial eligibility are timely and accurate Timeliness and accuracy of the functional screening and financial eligibility;~~

~~4.3. Eligibility determination and enrollment procedures are timely and accurate Timeliness and accuracy of eligibility determination and enrollment procedures;~~

~~5.4. Effectiveness of Iinformation and referral services and long-term care options counseling provide accurate information that meet the individual's needs;~~

~~6.5. Effectiveness of Pprocesses for receiving and acting on complaints and resolving client grievances and other persons who use ARC services are appropriate and effective; and~~

~~7.6. Training and technical assistance needs are identified Identification of training and technical assistance needs.~~

(b) Monitoring Procedures. The ARC shall adhere to the following:

1. At a minimum, the ARC shall perform an annual on-site administrative, programmatic, quality assurance, and, if applicable, fiscal monitoring of access points to ensure compliance with ARC agreements.

2. The ARC executive director shall submit a written report by certified mail to the access point no later than 21 calendar days from the last date of the on-site monitoring visit. The report shall outline the monitoring findings, that a corrective action plan shall be submitted to the ARC within 21 calendar days from the date of the report, if deficiencies are identified, and other sanctions the ARC determines is warranted, if applicable. The report shall indicate that the access point has the right to request an informal review and/or file a grievance pursuant to its agreement with the ARC.

3. The access point's failure to submit a corrective action plan within the 21 calendar day time frame shall result in sanction(s) pursuant to subparagraphs (2)(a)2. through 12. of this rule.

4. The ARC shall determine if the corrective action plan is acceptable and shall notify the access point if further action is required within 21 calendar days from receiving the report.

(2) SANCTIONING: ARC access points that do not meet requirements of the ARC agreements shall ~~may~~ be subject to sanctioning. Sanctions may include, but are not limited to, the following:

(a) Sanctions may include the following, depending upon the severity of the violation:

(a) through (l) renumbered 1. through 12. No change.

(b) Sanctioning procedures: The ARC shall follow the procedures below to sanction access points:

1. The ARC executive director shall submit a written notification by certified mail to the access point.

2. The notification shall outline the sanction(s) to be implemented and the reason(s) the ARC is levying the sanctions against the access point.

3. The notification shall include language that the access point has the right to request an informal review and/or file a grievance pursuant to its agreement with the ARC and the method by which to do so.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History–New_____.

58B-1.009 Outcome Measures and Quality Assurance Standards.

(1) OUTCOME MEASURES: The ARC governing body shall ensure that ARCs perform the following minimum outcome measures:

(a) No change.

(b) Demonstrate that the average monthly savings for per clients receiving for home and community based services is less than the Medicaid cost for as compared to nursing home care for comparable client groups.

~~(c) Establish a baseline measures for the processing time for applicants seeking services under the programs outlined in Section 430.2053(11)(a) through (g), F.S., which are administered by the ARC through its contract with DOEA.~~

~~1. The processing time shall begin on the date applicants make their initial contact with the ARC and end on the date they are enrolled to receive services.~~

~~2. In addition to establishing the baseline information as outlined in subparagraph (1)(c)1. above, the ARC shall implement measures to track and report processing time on an ongoing basis for each of the programs referenced in Section 430.2053(11)(a) through (g), F.S.~~

~~3. This requirement does not apply to applicants who are placed on an assessed priority consumer list for services.~~

(2) QUALITY ASSURANCE STANDARDS: The ARC governing body shall adhere to the following ~~ensure that the ARC develops~~ quality assurance standards to provide assurance that clients are receiving appropriate services that meet their needs and access points are adhering to the terms of the ARC agreements. This activity shall include the following elements:

(a) No change.

(b) Ensuring that clients receive appropriate care and services that meet their needs while living in the community in order to avoid nursing home placement. This shall be

accomplished through periodic clinical review of client care plans, client progress towards goals, and client satisfaction surveys.

(c) No change.

Specific Authority 430.08, 430.2053(12) FS. Law Implemented 430.2053 FS. History–New_____.

DEPARTMENT OF MANAGEMENT SERVICES

Agency for Workforce Innovation

RULE NOS.:	RULE TITLES:
60BB-8.100	Definitions
60BB-8.200	Voluntary Prekindergarten Child Eligibility
60BB-8.201	Voluntary Prekindergarten Parent Application and Procedures
60BB-8.2015	VPK Child Registration Pilot Project
60BB-8.202	Early Learning Coalition Procedures for Child Registration, Eligibility Determination, and Enrollment
60BB-8.204	Uniform Attendance Policy for the Funding of the VPK Program
60BB-8.300	Voluntary Prekindergarten Provider Application and Procedures
60BB-8.301	Voluntary Prekindergarten Uniform Statewide Provider Agreement
60BB-8.305	Documenting and Certifying Child Attendance in the VPK Program
60BB-8.400	VPK Program Class Sizes and Composition
60BB-8.451	VPK Class Schedules
60BB-8.900	VPK Forms
60BB-8.901	Qualified Contractors

NOTICE OF PUBLIC HEARING

The Department of Management Services, Agency for Workforce Innovation, Office of Early Learning announces an additional hearing regarding the above rule, as noticed in Vol. 32, No. 38, September 22, 2006 Florida Administrative Weekly.

DATE AND TIME: Friday, March 16, 2007, 4:00 p.m. until 5:00 p.m. or business is concluded

PLACE: The Residence Inn Tallahassee, The Universities Conference Room, 600 West Gaines Street, Tallahassee, Florida 32304; Phone: (850)329-9052

GENERAL SUBJECT MATTER TO BE CONSIDERED: Proposed Amendments to the following Voluntary Prekindergarten Education Program (“VPK”) Rules: 60BB-8.100 Definitions, 60BB-8.200 Documenting Child Eligibility for the VPK Program, 60BB-8.201 Child Registration Procedures; Application; Parent-Orientation Session, 60BB-8.202 Child Eligibility Determination and Enrollment Procedures, 60BB-8.204 Uniform Attendance Policy for Funding the VPK Program, 60BB-8.300 Provider and Class Registration, Procedures; Application; Eligibility

Determination, 60BB-8.301 Statewide Provider Agreement for the VPK Program, and 60BB-8.400 VPK Class Sizes; Blended Classes; Multi-Class Groups.

Also the following Proposed VPK Rules: 60BB-8.2015 VPK Child Registration Pilot Project, 60BB-8.305 Documenting and Certifying Child Attendance in the VPK Program, 60BB-8.451 VPK Class Schedules, 60BB-8.900 VPK Forms, and 60BB-8.901 Qualified Contractors.

A copy of the Proposed Rules was published in the September 22, 2006, issue of the Florida Administrative Weekly (Vol. 32, No. 38) and is available online at: <http://faw.dos.state.fl.us/fawframes.html>.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Ms. Veronica Moss at (850)245-7150. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF HEALTH

Board of Nursing

RULE NOS.:	RULE TITLES:
64B9-17.001	Statement of Intent of Purpose
64B9-17.002	Definitions
64B9-17.003	Competency and Knowledge Requirements

NOTICE OF WITHDRAWAL

Notice is hereby given that the above rule, as noticed in Vol. 31, No. 11, March 18, 2005 issue of the Florida Administrative Weekly has been withdrawn.

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE
64B17-7.001	Disciplinary Guidelines

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.

The change is based upon comments received by the Board of Physical Therapy Practice. The changes are as follows:

Paragraph (1)(cc) shall now read as follows: Section 456.072(1)(t), F.S.: Failing to identify through written notice or orally to a patient the type of license under which the

practitioner is practicing – from a minimum letter of concern and a fine of \$1,000, up to a maximum fine of \$5,000 and/or one year of probation. After the first offense, a minimum of two years of probation and a fine of \$5,000 to a maximum fine of \$10,000 and/or revocation.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

DEPARTMENT OF HEALTH

Board of Physical Therapy Practice

RULE NO.:	RULE TITLE:
64B17-8.001	Requirement for Instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 33, No. 3, January 19, 2007 issue of the Florida Administrative Weekly.

The change is based upon comments received by the Board of Physical Therapy Practice. The changes are as follows:

Subsection (2) shall now read as follows: Each licensee must complete at least one clock hour on HIV/AIDS education no later than upon the licensee’s first renewal of licensure. The Board shall accept coursework from schools of physical therapy, provided such coursework was completed after July 1, 1991.

THE PERSON TO BE CONTACTED REGARDING THE PROPOSED RULE IS: Susan Love, Executive Director, Board of Physical Therapy Practice, 4052 Bald Cypress Way, Bin #C05, Tallahassee, Florida 32399-3255

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-1.005	Funds Allocation
66B-1.006	Application Process

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 32, No. 49, December 8, 2006 issue and including the Notice of Rule Development published in Vol. 32, No. 45, November 9, 2006 issue of the Florida Administrative Weekly.

The “Summary” subsection of the Notice of Proposed Rule Making was incorrectly referenced as the sub-section “Subject Area to be Addressed”. The text of the section is amended to read:

~~SUBJECT AREA TO BE ADDRESSED: Cooperative Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.~~

SUMMARY: Minor amendments to the following sections of the Cooperative Assistance Program rule are being implemented: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects. The specific amendments are listed below in this notice.

The Notice of Proposed Rule Making is amended to reference the correct publication date of the Notice of Proposed Rule Making:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, October 25, 2006.

Based of comments received from the Joint Administrative Procedures Committee, the following text is amended to read:

66B-1.005 Funds Allocation.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-1.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of ~~may waive~~ the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Rule Chapter 66B-2, F.A.C.

66B-1.006 Application Process.

(1) No change.

(2) Application Form: Florida Inland Navigation District Cooperative Assistance Program Application; Applicant Information – Project Summary, Form No. 90-12 (effective date 4-24-06) is hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program shall be made on

this form. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from state agencies shall also be made on FIND Form Number 90-12a Project Information (effective date 4-24-06) and shall include a detailed cost estimate submitted on FIND Form No. 90-25 Florida Inland Navigation District Assistance Program Project Cost Estimate (effective date 4-24-06), hereby incorporated by reference and available from the District office. In addition, all applicants shall submit a complete and detailed Project Timeline (FIND FORM No. 96-10) (effective date __-__-07), hereby incorporated by reference and available from the District office.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE AND QUESTIONS PERTAINING TO THE RULE IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

NAVIGATION DISTRICTS

Florida Inland Navigation District

RULE NOS.:	RULE TITLES:
66B-2.005	Funds Allocation
66B-2.006	Application Process

NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S. published in Vol. 32, No. 49, December 08, 2006 issue and including the Notice of Rule Development published in Vol. 32, No. 45, November 9, 2006 issue of the Florida Administrative Weekly.

The “Summary” subsection of the Notice of Proposed Rule Making was incorrectly referenced as the sub-section “Subject Area to be Addressed”. The text of the section is amended to read:

~~SUBJECT AREA TO BE ADDRESSED: Waterways Assistance Program rule sections: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects.~~

SUMMARY: Minor amendments to the following sections of the Waterways Assistance Program rule are being implemented: Definitions, Funds Allocation, Application Process, Project Eligibility and, Small-Scale Derelict Vessel Removal Projects. The specific amendments are listed below in this notice.

The Notice of Proposed Rule Making is amended to reference the correct publication date of the Notice of Proposed Rule Making:

DATE NOTICE OF PROPOSED RULE DEVELOPMENT PUBLISHED IN FAW: November 9, October 25, 2006.

Based of comments received from the Joint Administrative Procedures Committee, the following text is amended to read:

66B-2.005 Funds Allocation.

(3) Pre-agreement Expenses: The project sponsor shall not commence work on an approved project element prior to the execution of the project agreement unless authorized by the Board during the review and funding approval process. Board authorization of pre-agreement expenses will be given for the commencement of work prior to the execution of a project agreement if the Board determines that there is a benefit to the District, its waterways or its constituents. All project costs must be incurred and work performed within the project period as stipulated in the project agreement unless pre-agreement costs are approved by the Board. Pre-agreement expenses will be approved if they are consistent with the provisions of Rule 66B-2.008, F.A.C., and occur within the fiscal year of the grant application submission (October 1st to September 30th). Pre-agreement expenses, except for projects approved by the Board as multi-year projects, will be limited to fifty (50) percent of the project's total cost and if the expenses are eligible project expenses in accordance with this rule. Only one-half (1/2) or less of the approved pre-agreement expenses will be eligible for reimbursement funding from the District, except for projects approved by the Board as multi-year projects. The Board shall consider a waiver of ~~may waive~~ the limitation on pre-agreement expenses for Small-Scale Derelict Vessel grants when the applicant demonstrates a direct need and benefit and the project is in accordance with the applicable provisions of Chapter 66B-2, F.A.C.

66B-2.006 Application Process.

(1) No change.

(2) Application Forms: Florida Inland Navigation District Waterways Assistance Program Project Application FIND Form Number 90-22 (effective date 4-24-06) and 93-22a, Project Information – Navigation Related Districts (effective date 4-24-06) are hereby incorporated by reference and available from the District office. With the exception of projects eligible under the Small-Scale Spoil Island Restoration and Enhancement program, and the Small-Scale Derelict Vessel program, all applications for financial assistance and support through this program from member counties and local governments shall be made on Form Number FIND 90-22 and shall include a detailed cost estimate submitted on FIND Form No. 90-25, Florida Inland Navigation District Assistance Program Project Cost Estimate, (effective date 4-24-06), hereby incorporated by reference and available from the District office. All applications for financial assistance and support through this program from navigation related districts shall be made on FIND Form Number 93-22 (effective date 4-24-06), hereby incorporated by reference and available from the District office, and shall include a detailed cost estimate submitted on FIND Form No. 90-25. (effective date __-__-07), hereby incorporated by reference and available from the District office.

THE PERSON TO BE CONTACTED REGARDING THE NOTICE OF CHANGE AND QUESTIONS PERTAINING TO THE RULE IS: Mark Crosley, Assistant Executive Director, Florida Inland Navigation District, 1314 Marcinski Road, Jupiter, Florida 33477, Telephone Number: (561)627-3386

DEPARTMENT OF FINANCIAL SERVICES

Division of State Fire Marshal

RULE NO.: 69A-60.011
 RULE TITLE: Non-Binding Interpretations of the Florida Fire Prevention Code
 NOTICE OF CHANGE

Notice is hereby given that the following changes have been made to the proposed rule in accordance with subparagraph 120.54(3)(d)1., F.S., published in Vol. 32, No. 7, February 17, 2006 issue of the Florida Administrative Weekly.

Rule 69A-60.011, F.A.C., is changed to read as follows:

69A-60.011 Non-Binding Interpretations of the Florida Fire Prevention Code.

(1) Definitions. For purposes of this rule section:

(a) No change.

(b) “State Fire Marshal” or “Division” means the Chief Financial Officer of the State of Florida acting as State Fire Marshal, or the Division of State Fire Marshal, as the context requires.

(c) through (d) No change.

(2) Procedures. The following procedures apply to the organization and to the FCIC.

(a) The FCIC shall consist of seven members; one representing each of the seven emergency management regions in the State. Each member shall be a with one firesafety inspector and one alternate firesafety inspector certified in accordance with Section Chapter 633.081(2), F.S. representing each of the There shall be one alternate for each FCIC member. Each alternate must be a certified firesafety inspector from the same emergency management region as the FCIC member. Each member and each alternate shall have, at a minimum, five years of experience performing firesafety inspections as a certified firesafety inspector The seven emergency management regions of the State which are described as follows:

1. through 7. No change.

(b) At least annually, the organization shall provide to the Division a list of all certified firesafety inspectors, and alternates, who ~~that~~ are currently serving on the FCIC ~~in rendering interpretations~~, including documentation proof of at least five-years’ experience ~~in~~ performing firesafety inspections as a certified firesafety inspector.

(c) Each person serving to serve on the FCIC must have on file with the Division Form DFS-K3-1673, (rev. 01/06), “Member Application for Fire Code Informal Interpretation Committee”, rev. 01/06 which is hereby adopted and

incorporated herein, and which may be obtained by writing to the Division of State Fire Marshal, 200 East Gaines Street, Tallahassee, Florida 32399-0340, or by visiting the State Fire Marshal's website located at <http://www.fldfs.com/SFM/index.htm>. The first seven applications submitted meeting the geographic and experience requirements shall be appointed as members. The next seven applications meeting the geographic and experience requirements shall be appointed alternate members. Applications may be submitted at any time and will be kept on file to fill vacancies as they occur. The existing alternate will be appointed to serve in the vacant seat. An alternate will be chosen for the seat in the same manner as the original member was chosen.

(d) No change.

(e) Requests for non-binding interpretations of the Code shall be submitted to the Division in accordance with this rule, along with a fee of one hundred ten (\$110.00) dollars, as directed at the Division of State Fire Marshal website and shall include the following:

1. through 4. No change.

(f) through (j) No change.

(k) A meeting shall be held to consider the request at the behest of at least two FCIC members. The meeting may be conducted in person or electronically. Each informal interpretation rendered may be supported by a meeting in person, or by telephone, teleconference, video conference, or such other means that the organization deems appropriate. The organization may permit interactive communication among the FCIC, the requesting party, the authority having jurisdiction and any other person or entity deemed appropriate.

(l)1. Each member participating in an informal interpretation shall submit his or her individual response to the Organization within five (5) calendar days of having received the written request, along with a fee of one hundred ten (\$110) dollars. The Organization upon receipt of a response from a simple majority of the FCIC members, shall forward the majority FCIC response, either Yes or No, without comment or amendment to the requestor via electronic transmission mail (email), if available and, if not available, by facsimile transmission or regular mail within four (4) 14 calendar days of receipt of the majority responses from the individual FCIC members question. In no event shall the FCIC response be sent later than thirty 30 days from the date the Organization receives the request for informal interpretation.

2. If a response will not or cannot for any reason be sent to the requestor within 14 calendar days of receipt, the requestor shall be so notified by email, if available and, if not available, by facsimile transmission or regular mail. Such response shall be provided thereafter as soon as reasonably practicable, but not later than 30 days after submission of the request.

2.3. The Organization shall send an electronic copy of each final FCIC response shall also be sent via email to the Division of State Fire Marshal at the email address in the contract.

(m) Each final FCIC response, along with the written request, shall be posted on the organization's website.

(n) Each response is nonbinding, and constitutes is the opinion of the FCIC rendering members the opinion same or a majority of the members of such FCIC, and not the opinion of the Department, the State Fire Marshal or the Organization; and shall create no legal right on the part of any person nor any legal duty on the part of the FCIC, the organization, any individual, the State Fire Marshal, the State of Florida, or any other person or entity.

(3)(a) No change.

(b) Each person serving on the FCIC shall serve at the pleasure of the State Fire Marshal or the organization and no person has any recourse against the State Fire Marshal or the organization for removal from the FCIC except as otherwise provided by federal or state law.

Specific Authority 633.01, 633.026 FS. Law Implemented 633.026 FS. History—New _____.

Section IV Emergency Rules

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF FINANCIAL SERVICES

Division of Insurance Agents and Agency Services

RULE NO.:	RULE TITLE:
69BER07-2	Requirements Relating to Public Adjusting

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: The Department of Financial Services hereby states the following circumstances constitute an immediate danger to the public health, safety, and welfare: This emergency rule is necessitated by a storm system (reportedly with tornadic activity) which passed through Florida in the

early morning hours of February 1, 2007. This storm system (with its reported tornadic activity) caused a number of fatalities and widespread property and infrastructure damage in a number of Florida counties. Because of this hazardous weather system (and possible tornadic activity), Governor Charlie Crist declared a State of Emergency exists in Lake, Seminole, Sumter, and Volusia Counties, Florida (Executive Order Number 07-21).

Excessive adjusting fees are a source of injury to the public health, safety, and welfare by substantially impairing the financial ability of insureds to effectuate repairs to damaged property in a timely fashion, to commence or complete repairs, or to make proper and adequate repairs meeting building code requirements. In order for complete rebuilding to occur, insurance proceeds cannot be eroded by unreasonable public adjuster fees. As a result, there is a need to limit the fees imposed by public adjusters to a reasonable level. The rule prohibits public adjusters from collecting a fee based upon policy limits where the subject property has been declared a total loss by the insurer, unless that public adjuster was involved in negotiating a dispute as to whether that property was a total loss.

The rule provision relating to time necessary to rescind a contract is reasonable and necessary based on the department's experience with public adjuster abuses after prior hazardous weather systems (such as the hurricanes of 2004-2005) have impacted Florida.

The Legislature recognized, in Section 626.8698, F.S., that the interest of the public demands that public adjusters be prohibited from "soliciting or otherwise taking advantage of a person who is vulnerable, emotional or otherwise upset as a result of trauma, accident or similar occurrence..." This hazardous weather system (with possible tornadic activity) has placed a great number of people in a state of vulnerability. The emotional stress of claimants may lead them to make imprudent decisions in the context of contracting with public adjusters.

In consideration of the emergency conditions currently existing, and given the Department's responsibility to protect the public interest, including insureds, and implement the Insurance Code, an emergency rule is necessary.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Department of Financial Services believes that adopting an emergency rule is the fairest method to protect the public because the nature of the destruction and loss of life caused by this hazardous weather system (with possible tornadic activity), including power outages and disruption of communication and transportation, requires an immediate response. The conditions from this hazardous weather system (with possible tornadic activity) will require the Department to exercise its authority to provide protection to consumers from unethical conduct of certain public adjusters. The provisions of this rule provide

needed guidance to public adjusters. A Department bulletin addressed to all licensed public insurance adjusters would reach them, but would not be legally binding. A permanent rule would not have the flexibility and immediacy to protect the public welfare.

SUMMARY: This emergency rule adopts emergency ethical standards to be applied to claims resulting from this hazardous weather system (with possible tornadic activity) in the counties wherein Governor Crist declared a State of Emergency via Executive Order 07-21 (Lake, Seminole, Sumter, and Volusia). The rule establishes a 14-day rescission period for public adjuster contracts. Additionally, the rule prohibits public adjusters from collecting a fee based upon policy limits where the subject property has been declared a total loss by the insurer, unless that public adjuster was involved in negotiating a dispute as to whether that property was a total loss.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Barry Lanier, Chief, Bureau of Investigation, Division of Agent and Agency Services, Department of Financial Services, 200 East Gaines Street, Tallahassee, Florida 32399-0333, phone (850)413-5601

THE FULL TEXT OF THE EMERGENCY RULE IS:

69BER07-02 Requirements Relating to Public Adjusting.

(1) General Provisions.

(a) This emergency rule provides additional requirements and ethical standards to protect insureds located in those counties declared to be in a State of Emergency by Governor Charlie Crist in Executive Order 07-21 (Lake, Seminole, Sumter, and Volusia Counties), who were affected by a hazardous weather system (with possible tornadic activity) which struck the State of Florida early February 2, 2007.

(b) The provisions of this emergency rule are intended to supplement the requirements for conduct of public adjusting and ethical requirements placed on public adjusting as set forth in Rules 69B-220.051 and 69B-220.201, Florida Administrative Code. These provisions are intended to provide needed guidance to public adjusters and assure ethical public adjusting claims practices under the specific circumstances caused by the impact of the hazardous weather system (with possible tornadic activity) which struck the State of Florida early February 2, 2007.

(c) This rule applies only to losses in those counties (Lake, Seminole, Sumter, and Volusia) that are in a State of Emergency pursuant to Executive Order 07-21 and occurring as a result of the hazardous weather system (with possible tornadic activity) which struck the State of Florida early February 2, 2007.

(d) This rule applies for ninety (90) days from the date filed with the Secretary of State, Bureau of Administrative Code.

(e) The provisions of this rule are ethical requirements binding upon public adjusters, in addition to those requirements established in Rule Chapter 69B-220, Florida Administrative Code.

(2) Definitions.

(a) "Public Adjuster" is defined for purposes of this rule as defined in Section 626.854, Florida Statutes.

(b) "Public Adjusting" is the activity described in Section 626.854, Florida Statutes.

(3) General Ethical Requirements. Public Adjusters shall adhere to the following requirements:

(a)1. A public adjuster's contract with a client shall be revocable or cancelable by the insured or claimant, without penalty or obligation, for fourteen (14) business days after the contract is entered into.

2. The public adjuster shall disclose to the insured that the insured has the right to cancel with prompt notice within the revocation period.

3. If the insured elects to cancel the contract, prompt notice shall be provided to the public adjuster within fourteen (14) days after the contract is entered into. For purposes of this section, if said notice is provided via mail delivery, a valid postmark made within the fourteen (14) day rescission period shall serve as adequate notice.

4. Nothing in this provision shall be construed to prevent an insured from pursuing any civil remedy after the fourteen (14) day cancellation period.

(4) Total Loss Claims. No public adjuster shall charge, agree to, or accept as compensation or reimbursement any payment, commission, fee, or other thing of value based on payment of the policy limits for total loss of any residential building, structure, mobile home as defined in Section 320.01(2), Florida Statutes, or manufactured building as defined in Section 553.36(12), Florida Statutes, in accordance with the valued policy law as set forth in Section 627.702, Florida Statutes, unless the adjuster was involved in negotiating a dispute between the parties as to whether the property was a total loss.

Specific Authority 120.54(4), 624.308, 626.878 FS. Law Implemented 624.307, 626.611, 626.621, 626.8698, 626.878, 626.9541(1)(i) FS. History—New 2-9-07.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: February 9, 2007

Section V Petitions and Dispositions Regarding Rule Variance or Waiver

DEPARTMENT OF EDUCATION

NOTICE IS HEREBY GIVEN that on February 8, 2007, the Department of Education has issued an order.

The Emergency Petition for Temporary Variance from or Waiver of paragraphs 6A-6.03315(1)(c), (d), F.A.C., is denied as the petition does not identify specific facts constituting an emergency situation. The petition will be reviewed on a non-emergency basis as set forth in Section 120.542, Florida Statutes.

A copy of the Order may be obtained by contacting: Office of the Agency Clerk, 325 West Gaines Street, Room 1514, Tallahassee, Florida 32399-0400, (850)245-9661.

DEPARTMENT OF COMMUNITY AFFAIRS

NOTICE IS HEREBY GIVEN that the Petition for Waiver from the City of Frostproof, DCA06-WAI-271, is deemed approved by virtue of ninety (90) days having passed since the Petition was received by the Department on October 20, 2006.

The petitioner sought a permanent waiver of paragraph 9B-43.0051(7)(b), Florida Administrative Code, which imposes a non-performance penalty of five (5) points for every low and moderate income household not served by sewer hookup and septic tank abandonment under the City's 2004 Community Development Block Grant subgrant.

A copy of the Petition, which has been assigned the number DCA06-WAI-271, may be obtained by writing: Paula P. Ford, Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

DEPARTMENT OF LAW ENFORCEMENT

NOTICE IS HEREBY GIVEN that on February 1, 2007, the Florida Department of Law Enforcement has issued an order.

The Department of Law Enforcement, Criminal Justice Standards and Training Commission has taken action at its February 1, 2007, meeting on a petition for waiver received from Mary Carr, on January 8, 2007. Notice of receipt of this petition was published in the issue Vol. 33, No. 4, January 26, 2007, F.A.W. No public comment was received. Petitioner has petitioned for a waiver of paragraph 11B-30.006(1)(d), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive the requirement that she be permitted to become certified despite having completed the SOCE prior to completing training. On February 1, 2007, the Criminal Justice Standards and Training Commission granted a waiver of this rule to Mary Carr, in a final order, OGC File No.: VAR 07-2. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in

undue hardship to her or would affect her differently than other similarly situated applicants and because she successfully fulfilled the requirements of Section 943.1397, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

NOTICE IS HEREBY GIVEN that on February 1, 2007, the Florida Department of Law Enforcement has issued an order.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its February 1, 2007, meeting on a petition for waiver received from Bryan Smith, on January 12, 2007. Notice of receipt of this petition was published in the issue Vol. 33, No. 4, January 26, 2007, F.A.W. No public comment was received. Petitioner has petitioned for a waiver of subsection 11B-27.002(4), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested additional time to obtain employment. On February 1, 2007, the Criminal Justice Standards and Training Commission granted a waiver of this rule to Bryan Smith, in a final order, OGC File No.: VAR 07-3. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to him or would affect him differently than other similarly situated applicants and because he could successfully fulfill the requirements of Section 943.13, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

NOTICE IS HEREBY GIVEN that on February 1, 2007, the Florida Department of Law Enforcement has issued an order.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its February 1, 2007, meeting on a petition for waiver received from Miami-Dade College, on January 17, 2007. Notice of receipt of this petition was published in the issue Vol. 33, No. 5, February 2, 2007, F.A.W. No public comment was received. Petitioner has petitioned for a waiver of paragraphs 11B-35.001(1)(a), (3)(b)-(c), (5), F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain administrative requirements regarding the certification of First Responder Instructors for a time certain. On February 2, 2007, the Criminal Justice Standards and Training Commission granted a waiver of this rule to Miami-Dade College, in a final order, OGC File No.: VAR 07-4. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to it or would affect it differently than other similarly situated applicants and because it could successfully fulfill the requirements of Section 943.14, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

NOTICE IS HEREBY GIVEN that on February 1, 2007, the Florida Department of Law Enforcement has issued an order.

The Department of Law Enforcement, Criminal Justice Standards and Training has taken action at its February 1, 2007, meeting on a petition for waiver received from Miami-Dade College, on January 24, 2007. Notice of receipt of this petition was published in the issue Vol. 33, No. 6, February 9, 2007, F.A.W. No public comment was received. Petitioner has petitioned for a waiver of Rule 11B-20.0017, F.A.C., pursuant to Section 120.542, F.S. Petitioner has requested that the Department waive certain administrative requirements regarding the retroactive delinquency of instructor certifications for several instructors. On February 2, 2007, the Criminal Justice Standards and Training Commission granted a waiver of this rule to Miami-Dade College, in a final order, OGC File No.: VAR 07-5. This rule waiver was granted because the petitioner demonstrated that a strict application of the rule would result in undue hardship to it or would affect it differently than other similarly situated applicants and because it could successfully fulfill the requirements of Section 943.14, F.S., by other means.

For a copy of the final order write or call: Grace A. Jaye, Florida Department of Law Enforcement, Box 1489, Tallahassee, FL 32302-1489, Telephone (850)410-7687.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN that on February 8, 2007, the Bureau of Elevator Safety has issued an order.

That order Granted a Variance Request in response to a petition filed on 3/22/2006 and advertised in the issue Vol. 32, No. 49, F.A.W., by leLainya Koutebera of Otis Echelon Point Office Building in St. Petersburg (VW 2006-296). The petition sought waivers from Rules 2.1.1.1.2, 2.1.1.3, 2.7.6, 2.20.1, and 2.20.9 of ASME A17.1, 2000 Edition, as adopted by Chapter 3001.2, 2004 Florida Building Code. The petitioner requested to not have a machine room and to use coated steel belts in lieu of steel cables suspending the car. The petitions were granted as it was demonstrated that this new technology provided an equivalent or greater level of safety.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on February 8, 2007, the Bureau of Elevator Safety has issued an order.

That order denied a Variance request by Lisa Cercek of LKC Property Management on behalf of Sea Isles Villas Condo, located in Indian Rock Beach (WV 2006-307) and advertised in the issue Vol. 33, No. 1, F.A.W.). Petitioner had requested to not provide access from elevator lobbys that did not require a key, tool, special knowledge or effort as required by Chapter 3003.1.5, Florida Building Code. The request was denied as the petitioner failed to provide an alternative means of meeting the intent of the code.

A copy of the Order may be obtained by contacting: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on January 29, 2007, the Division of Hotels and Restaurants, Bureau of Elevator Safety has issued an order.

That order Granted an Emergency Variance Request filed on January 10, 2007, and advertised in Vol. 33, No. 7, F.A.W., by T.J. Khan, owner of Center for Surgical Excellence (Petition VW2007-014). The petition sought a waiver from Rule 2.7.3.2.1, ASME A17.1, 2000 Edition as adopted by Chapter 3001.2, 2004 Florida Building Code and requested to use a vertical ladder and hatch to temporarily access the machine room while the machine room is being relocated to the ground floor. The petition was granted because the petitioner stated it would only be for a 90 day period which would allow them to open the building timely while assuring that the final elevator configuration would be code-compliant.

A copy of the Order can be obtained from: Agency Clerk, Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

NOTICE IS HEREBY GIVEN that on February 9, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Brunchies New York Deli and Pizza located in Kissimmee. The above referenced F.A.C. states that all bathrooms shall be of easy and convenient access to both patrons and employees, and shall be located on the same floor of the premises served. They are requesting a variance to use bathroom facilities on the second floor of the establishment.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on February 6, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Taco Loco Lunchi Mex Corporation located in Plant City. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 31, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Ti Amo Sempre located in Vero Beach. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... . The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of forty-two (42).

A copy of the Petition can be obtained from: Xenia Bailey, Division of Hotels and Restaurants, 1940 North Monroe Street, Tallahassee, Florida 32399-1013.

The Division of Hotels and Restaurants will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m.

NOTICE IS HEREBY GIVEN that on January 25, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Lotus Cafe located in Wilton Park. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... . The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of 24.

This variance request was approved February 12, 2007, and is contingent upon the Petitioner ensuring public bathroom is functional, has hot and cold running water at all times, provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed twenty-four (24) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on January 26, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Van Mar Corporation of Orlando. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on three Mobile Food Dispensing Vehicles.

This variance request was approved February 12, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and

may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on February 6, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from Taco Loco Lunchi Mex Corporation located in Plant City. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved February 12, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on January 29, 2007, the Division of Hotels and Restaurants received a Petition for an Emergency Variance for subsections 61C-4.010(1) and 61C-4.010(6), Florida Administrative Code, from El Charro of

Arcadia. The above referenced F.A.C. addresses food supplies, food protection, and physical facilities-except as specifically provided in this rule, public food service establishments shall be subject to the provisions of chapter three and chapter six of the FDA Food Code. They are requesting to do open air food service on a Mobile Food Dispensing Vehicle.

This variance request was approved February 12, 2007, and is contingent upon the Petitioner's use of open-air steam table properly covered and air curtain operating properly according to manufacturer's specifications and Section 6-202-15(D) (2), 2001 FDA Food Code, as to expel possible contaminants and vermin. Approval is also contingent upon Petitioner conducting all re-heating for hot holding at approved commissaries to the proper temperature per Section 3-403.11, 2001 FDA Food Code; and potentially hazardous food is held at proper temperatures according to Section 3-501.16, 2001 FDA Food Code.

The Petitioner shall strictly adhere to paragraph 61C-4.0161(2)(c), Florida Administrative Code, and report to the commissary at least once daily when operating. All warewashing is to be conducted at the commissary and strict adherence to employee health guidelines as specified in the Section 2-201, 2001 FDA Food Code, are to be followed. Petitioner shall also use a potable water tank and utilize a wastewater holding tank that is at least 15% larger than the potable water holding tank; and sloped to a drain that is 1 inch in inner diameter or greater, equipped with a shut-off valve. Petitioner must receive potable water from an approved source with written documentation provided and sanitize the fresh water and wastewater tanks at least once every 24 hours.

Copies of the variance and operating procedures are to be present on the MFDV at all times of operation and shall be adhered to as approved by the Division. This variance is not transferable under any conditions. All provisos must be complied prior to final approval and licensing. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

NOTICE IS HEREBY GIVEN that on January 31, 2007, the Division of Hotels and Restaurants received a Petition for a Routine Variance for subsection 61C-4.010(7), Florida Administrative Code, from Ti Amo Sempre located in Vero Beach. The above referenced F.A.C. states ...each public food service establishment shall maintain a minimum of one public bathroom for each sex, properly designated.... . The proposed establishment has one bathroom facility for patrons and they are requesting a variance to have a seating capacity of forty-two (42).

This variance request was approved February 12, 2007, and is contingent upon the Petitioner ensuring the public bathroom is functional, has hot and cold running water at all times,

provided with soap and an approved method to dry hands, and kept in a clean and sanitary manner. Seating shall not exceed forty-two (42) which includes inside and outside seating. Any violation of the variance is the equivalent of a violation of the Rule and may result in a rescission of the variance, and subject the Petitioner to disciplinary sanctions as enumerated in Section 509.261, Florida Statutes.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE IS HEREBY GIVEN that on January 30, 2007, the Department of Environmental Protection, Bureau of Beaches and Coastal Systems, received a petition for variance or waiver pursuant to Section 120.542, Florida Statutes, and Rule 28-104, Florida Administrative Code, from Thomas G. Tomasello, P.A., on behalf of George H. Collins. The petition requests a variance or waiver of subparagraph 62B-33.0051(1)(a)1., Coastal Armoring and Related Structures, F.A.C., which provides the conditions where construction of armoring shall be authorized. The property is located at 132 Seaward Drive, Santa Rosa Beach, Florida 32459 in Walton County.

A copy of the Petition for Variance or Waiver may be obtained by contacting Rosaline Beckham at (850)488-7815, or by e-mail at rosaline.beckham@dep.state.fl.us. The petition is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at 5050 West Tennessee Street, Bldg. B, Suite 160, Tallahassee, Florida 32304.

Any comments should be filed in writing with the Department at 3900 Commonwealth Blvd., M.S. 300, Tallahassee, Florida 32399-3000, and should be submitted within 30 days of the date of this publication.

FLORIDA HOUSING FINANCE CORPORATION

NOTICE IS HEREBY GIVEN that on February 9, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of Paragraph 11 of the 2005 Qualified Allocation Plan from McCurdy Center, Ltd., ("Petition"). The Petition is seeking a variance of the Petitioner's Qualified Allocation Plan's prohibition from requesting an extension of the placed in service date for the Development.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329. Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered,

comments must be received on or before 5:00 p.m. (Eastern Standard Time), on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 14, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of Rule 67-48.002 Definitions, Florida Administrative Code, subsection (111), from Villa Seton, Inc. ("Petition"). The Petition is seeking a waiver of the rules regarding the specific requirement that 15% of all units be equipped with roll-in showers.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329

NOTICE IS HEREBY GIVEN that on February 14, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of Rule 67-48.004, Application and Selection Procedures for Developments, Florida Administrative Code, paragraphs (1)(a), (14)(b) and subsection (15), from Marbella Pointe Development Group, LLLP ("Petition"). The Petition is seeking a waiver of the rules regarding and application and selection procedures, and a change in the development entity.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329

NOTICE IS HEREBY GIVEN that on February 13, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of Rules 67-48.004 Application and Selection Procedures for Developments, Florida Administrative Code, paragraphs (1)(a), (14)(a),(b)(j) and (k) and subsection (15) from Oviedo Town Center Partners, Ltd.. ("Petition"). The Petition is seeking a waiver of the rules regarding and application and selection procedures, and a change in the development entity.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 13, 2007, the Florida Housing Finance Corporation, received a petition for Variance/Waiver of Rule 67-48.004, HOME General Program Procedures and Restrictions, Florida Administrative Code, paragraph (14)(f) from Pine Haven Housing Ltd., LLLP. ("Petition"). The Petition is seeking a variance/waiver of the type of development pursuant to paragraph 67-48.004(14)(f), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 13, 2007, the Florida Housing Finance Corporation, received a petition for Variance/Waiver of Rule 67-48.004 HOME General Program Procedures and Restrictions, (2005) Florida Administrative Code, paragraph (14)(g) from Lakeside Village Housing Ltd., LLLP. ("Petition"). The Petition is seeking a variance/waiver of the type of development pursuant to paragraph 67-48.004(14)(g), F.A.C.

A copy of the Petition for Variance or Waiver may be obtained by contacting: Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 13, 2007, Florida Housing Finance Corporation received a Petition for Waiver of Rules 67-48.004(1)(a), 67-48.004(14)(a), and 67-48.004(15) Florida Administrative Code from The Club at

Eustis Village Partners, Ltd. ("Petition"). The Petition is seeking a waiver of the rules regarding and application and selection procedures, and a change in the development team.

A copy of the Petition can be obtained from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

NOTICE IS HEREBY GIVEN that on February 14, 2007, the Florida Housing Finance Corporation, received a petition for Waiver of Rule 67-48.004 Application and Selection Procedures for Developments, F.A.C., subsection (15) and a variance of Part II.A.2.A.(1) of the Universal Application, Florida Administrative Code from Tallman Pines Associates, Ltd., ("Petition"). The Petition is seeking a waiver of the rules regarding a change in the ownership structure.

A copy of the Petition for Variance or Waiver may be obtained by contacting: from Sherry Green, Public Records Clerk, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

Florida Housing will accept comments concerning the Petition for 14 days from the date of publication of this notice. To be considered, comments must be received on or before 5:00 p.m., Eastern Standard Time, on the 14th day after publication of this notice at: Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32399-1329.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE IS HEREBY GIVEN that on February 1, 2007, the Florida Fish and Wildlife Conservation Commission (FWC) issued an order denying a request submitted by the George Snow Scholarship Fund for an emergency variance from a portion of the Palm Beach County manatee protection rule (Rule 68C-22.009, F.A.C.). The request sought authorization to allow up to three vessels to be operated at speeds greater than allowed by the rule for the purpose of performing a water ski show in the Intracoastal Waterway area adjacent to Red Reef Park in Boca Raton. The ski show was to take place from 6:50 p.m. to 7:10 p.m. on January 27, 2007, in association with a fund raising event. The FWC received the petition on January 19, 2007, and posted a notice of petition on the FWC website (MyFWC.com) on January 23, 2007. The FWC received six e-mails commenting on the petition. The petition was denied because, even with the actions the applicant was willing to take, the proposed timing of the ski show prevented the purposes of the underlying statute from being met. In addition,

given when the FWC received the petition, the FWC did not have enough time to meet the noticing and public commenting requirements of Rule 28-104.005, F.A.C., and still issue an order in the week prior to the ski show. Additional information can be obtained by contacting: Scott Calleson, Florida Fish and Wildlife Conservation Commission, Imperiled Species Management Section (Mail Station 6A), 620 South Meridian Street, Tallahassee, FL 32399-1600.

Section VI Notices of Meetings, Workshops and Public Hearings

The following state governmental agencies, boards and commissions announce a public meeting to which all persons are invited:

State Board of Administration
Financial Services Commission
Department of Veterans' Affairs
Department of Highway Safety and Motor Vehicles
Department of Law Enforcement
Department of Revenue
Department of Education
Administration Commission
Florida Land and Water Adjudicatory Commission
Board of Trustees of the Internal Improvement Trust Fund
Department of Environmental Protection
DATE AND TIME: March 13, 2007, 9:00 a.m.
PLACE: Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Regular scheduled meeting of the Governor and Cabinet.

The State Board of Administration will take action on matters duly presented on its agenda, which may include such matters as Executive Director's reports; approval of fiscal sufficiency of state bond issues; approval of sale of local bonds at an interest rate in excess of statutory interest rate limitation; report on investment performance; designation of banks as depositories for state funds; adoption of rules and regulations; investment of state funds pursuant to Chapter 215, F.S.; and consideration of other matters within its authority pursuant to Chapters 215 and 344, F.S., and Section 16 of Article IX of the Florida Constitution of 1885, as continued by subsection 9(c) of Article XII of the Florida Constitution of 1968. The Division of Bond Finance of the State Board of Administration will take action on matters duly presented on its agenda, which will deal with the issuance of State bonds, arbitrage compliance and related matters.

The Financial Services Commission will take action on matters duly presented on its agenda which may include, but not be limited to, matters relating to rulemaking for all activities

concerning insurers and other risk bearing entities, including licensing, rates, policy forms, market conduct, claims, adjusters, issuance of certificates of authority, solvency, viatical settlements, premium financing, and administrative supervision, as provided under the Insurance Code or Chapter 636, F.S., and for all activities relating to the regulation of banks, credit unions, other financial institutions, finance companies, and the securities industry.

The Department of Veterans' Affairs will take action on matters duly presented on its agenda which may include the administration of the Department as well as actions taken to further the Department's mission of providing assistance to veterans and their dependents, pursuant to Section 292.05, F.S.

The Department of Highway Safety and Motor Vehicles will take action on matters duly presented on its agenda, which may include such matters as approval of agency policies, taking agency action with regard to administrative procedure matters, and considering other matters within its authority pursuant to Florida Statutes.

The Department of Law Enforcement will take action on matters duly presented on its agenda which may include but not be limited to such matters as transfer of agency funds or positions, formulation of Departmental Rules, administrative procedure matters, submittal of reports as required, enter into contracts as authorized and to consider other matters within its authority pursuant to Chapters 20, 23, 120 and 943, F.S.

The Department of Revenue will act on matters duly presented on its agenda which may include approval of rules, legislative concept proposals, contracts over \$100,000, Departmental budgets, taking final action on formal and informal hearings under Chapter 120, F.S., and consideration of other matters within its authority.

The Department of Education will finalize agency action on the business of the Florida Department of Education.

The Administration Commission will take action on matters duly presented on its agenda which may include such matters as to create or transfer agency funds or positions, approve Career Service rules, administrative procedure matters, environmental matters arising under Chapter 380, F.S., comprehensive planning issues pursuant to Section 163.3184, F.S., determine sheriffs' budget matters, and consider other matters within its authority pursuant to Chapters 110, 215 and 216, F.S.

The Florida Land and Water Adjudicatory Commission will take action on matters duly presented on its agenda including appeals of local government development orders in areas of critical state concern or of developments of regional impact under Section 380.07, F.S.; and review of water management matters under Chapter 373, F.S. The Commission will also review Department of Environmental Protection's rules and orders which, prior to July 1, 1993, the Governor and Cabinet, sitting as the head of the Department of Natural Resources, had authority to issue or promulgate.

The Board of Trustees of the Internal Improvement Trust Fund will take action on matters duly presented on its agenda which may include such matters as mineral leases or sales, state or sovereign land leases, sales, exchanges, dedications, and easements, Conservation and Recreation Lands (CARL) and other land purchases; land planning matters and other matters within its authority. Additionally, the Board will take action on matters presented by the Marine Fisheries Commission as set forth in Sections 370.025, 370.026 and 370.027, F.S., and matters pertaining to the Office of Greenways Management, the Office responsible for the management of lands which formerly fell within the Cross Florida Barge Canal project corridor.

The Department of Environmental Protection, while not a Cabinet agency, will present for consideration on its agenda those matters required by law to be reviewed by the Governor and Cabinet and those pertaining to the siting of power plants, electric and natural gas transmission lines and hazardous waste facilities; coastal zone management consistency and standards adopted by the Environmental Regulation Commission.

A copy of any of the above agendas (when applicable) may be obtained by contacting each agency.

Accommodations can be made for persons with disabilities provided several days' notification is received. Please notify the Governor's Cabinet Office, (850)488-5152.

The Governor and Cabinet will proceed through each agenda, item by item, in the order given above.

CABINET AIDES BRIEFING: On the Wednesday of the week prior to the above meeting, there will be a meeting of the aides to the Governor and Cabinet Members at 9:00 a.m., Cabinet Meeting Room, Lower Level, The Capitol, Tallahassee, Florida. The purpose of this briefing is to review and gather information regarding each agenda to be considered by the Governor and Cabinet.

DEPARTMENT OF STATE

The **Division of Historical Resources** and the Florida Historical Commission announces a public meeting to which all persons are invited.

DATES AND TIMES: Monday, March 26, 2007, 9:00 a.m. – 5:00 p.m.; Tuesday, March 27, 2007, 9:00 a.m. – 5:00 p.m.; Wednesday, March 28, 2007, 9:00 a.m. – 12:00 Noon

PLACE: 1(800)847-8287, R. A. Gray Building, Heritage Hall, 500 South Bronough Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review Acquisition and Development grant applications submitted to the Bureau of Historic Preservation by December 15, 2006, deadline for State and Federal grant assistance for historic preservation projects, and to recommend priority ranking and funding levels for grant awards.

*Some Review Panelists may participate by speaker phone.

A copy of the agenda may be obtained by contacting: Division of Historical Resources, Bureau of Historic Preservation, Grant-in-Aid Program 500 South Bronough Street, Tallahassee, Florida 32399, 1(800)847-7278, Fax: (850)245-6437, Website: www.flheritage.com/grants

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Historic Preservation Grants-in-Aid Program, 500 South Bronough Street, Tallahassee, Florida 32399, 1(800)847-7278, Fax: (850)245-6437. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Historic Preservation Grants-in-Aid Program, 500 South Bronough Street, Tallahassee, Florida 32399, 1(800)847-7278, Fax: (850)245-6437, Website: www.flheritage.com/grants

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 27, 2007, 1:00 p.m. – 5:00 p.m.

PLACE: Homewood Suites Ballroom, 2987 Apalachee Parkway, Tallahassee, Florida 32301, (850)402-9400

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting and to review Florida National Register Nomination Proposals.

At this meeting, some Panelists may participate by telephone conference call.

A copy of the agenda may be obtained by writing to: Division of Historical Resources, Bureau of Historic Preservation, Attn.: National Register Program, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to obtain a verbatim recording of the proceedings in order to provide a record for judicial review. Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance. Please contact the Bureau of Historic Preservation by telephone at (850)245-6333, or by Fax at (850)245-6437.

The **Florida Folklife Apprenticeship Advisory Committee** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 29, 2007, 9:00 a.m.

PLACE: 1(800)847-7278, R. A. Gray Building, Room 307, 500 South Bronough Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Folklife Council.

A copy of the agenda may be obtained by writing to: Division of Historical Resources, Bureau of Historic Preservation, Attn.: Florida Folklife Program, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

At this meeting, some Panelists may participate by telephone conference call.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to obtain a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

Please contact the Bureau of Historic Preservation by telephone at (850)245-6333, or by Fax at (850)245-6437.

The **Florida Historical Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 29, 2007, 9:00 a.m.

PLACE: R. A. Gray Building, Heritage Hall, 500 South Bronough Street, Tallahassee, Florida 32399, 1(800)847-7278

GENERAL SUBJECT MATTER TO BE CONSIDERED: General business meeting of the Florida Historical Commission.

At this meeting, some Panelists may participate by telephone conference call.

A copy of the agenda may be obtained by writing to: Division of Historical Resources, 500 South Bronough Street, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

Should any person wish to appeal any decision made with respect to the above referenced meeting, he/she may need to obtain a verbatim recording of the proceedings in order to provide a record for judicial review.

Pursuant to Section 286.26, Florida Statutes, people with disabilities wishing to attend this meeting should contact the agency at least 48 hours prior to the meeting in order to request any special assistance.

Please contact the Bureau of Historic Preservation by telephone at (850)245-6300, or by Fat at (850)245-6437.

DEPARTMENT OF LEGAL AFFAIRS

The **Department of Legal Affairs**, Council on the Social Status of Black Men and Boys announces a public meeting to which all persons are invited.

DATE AND TIME: February 27, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Senate Office Building, Room 110, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is the initial meeting of this Council, created by Section 16.615, Florida Statutes. The Council shall make a systematic study of the conditions affecting black men and boys, including, but not limited to, homicide rates, arrest and incarceration rate, poverty, violence, drug abuse, death rates, disparate annual income levels, school performance in all grade levels including postsecondary levels, and health issues. A copy of the agenda may be obtained by contacting Rick Nuss, Chief, Bureau of Criminal Justice Programs at (850)414-3300.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting the Bureau of Criminal Justice Programs at (850)414-3300. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact the Bureau of Criminal Justice Programs at (850)414-3300.

DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES

The **Florida Agricultural Center and Horse Park Authority**, Executive Committee announces a meeting to which all interested persons are invited.

DATE AND TIME: March 5, 2007, 4:00 p.m.

PLACE: Horse Park, 11008 South Highway 475, Ocala, Florida 34476

GENERAL SUBJECT MATTER TO BE CONSIDERED: Notice of Meeting. To discuss general information concerning the planning, development, construction and operation of the Florida Horse Park.

For a copy of the agenda or to notify that you are a person desiring to attend with a disability that requires certain accommodations, please contact: Richard Gunnels, Florida Department of Agriculture and Consumer Services, Plaza Level 10, The Capitol, Tallahassee, Florida 32399-0800, gunnelr@doacs.state.fl.us

The **Florida Agricultural Center and Horse Park Authority** announces a meeting to which all interested persons are invited.

Meeting Group: Florida Agricultural Center and Horse Park Authority

DATE AND TIME: March 8, 2007, 11:30 a.m.

PLACE: Florida Restaurant and Lodging Association, 230 South Adams Street, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss general information concerning the planning, development, construction and operation of the Florida Horse Park.

For a copy of the Agenda or to notify that you are a person desiring to attend with a disability that requires certain accommodations, please contact: Richard Gunnels, Florida Department of Agriculture and Consumer Services, Plaza Level 10, The Capitol, Tallahassee, Florida 32399-0800, gunnelr@doacs.state.fl.us

The Florida **Citrus Production Research Advisory Council**, announces a General Meeting to which all interested persons are invited.

DATE AND TIME: Tuesday March 6, 2007, 8:30 a.m.

PLACE: University of Florida, Citrus Research and Education Center, 700 Experiment Station Road, Lake Alfred, Florida 33850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present research proposals for 2007-2008.

If you need special accommodations due to a disability or for directions please call (863)956-1151.

The Florida **Department of Agriculture and Consumer Services** announces the meeting of the Florida Tropical Fruit Advisory Council to which all interested persons are invited.

DATE AND TIME: Thursday, March 8, 2007, 10:00 a.m.

PLACE: Miami-Dade Extension Office, 18710 S. W. 288 Street, Homestead, FL 33030

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the general business of the Florida Tropical Fruit Advisory Council.

For additional information or if you need special accommodations, call Louise King at (305)401-1502.

The Florida **Citrus Production Research Advisory Council**, announces a General Meeting to which all interested persons are invited.

DATE AND TIME: Tuesday March 20, 2007, 8:30 a.m.

PLACE: University of Florida, Citrus Research and Education Center, 700 Experiment Station Road, Lake Alfred, Florida 33850

GENERAL SUBJECT MATTER TO BE CONSIDERED: To present research proposals for 2007-2008.

If you need special accommodations due to disability or for directions please call (863)956-1151.

The **Aquaculture Review Council** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 19, 2007, 3:00 p.m.

PLACE: Division of Aquaculture Conference Room, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss issues affecting the growth of aquaculture in Florida.

A copy of the agenda may be obtained by contacting: Kal Knickerbocker, 1203 Governor's Square Boulevard, Fifth Floor, Tallahassee, FL 32301, (850)488-4033.

If special accommodations are needed to attend this meeting because of disability, please contact Kal Knickerbocker as soon as possible.

DEPARTMENT OF EDUCATION

The State of Florida, **Department of Education, Education Practices Commission**, announces a Teacher Hearing Panel to which all persons are invited.

A Teacher Hearing Panel

DATE AND TIME: March 9, 2007, 8:30 a.m. or as soon thereafter as can be heard

PLACE: Embassy Suites Tampa Airport/Westshore, 555 North Westshore Boulevard, Tampa, Florida 33609, (813)875-1555

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Hearing Panel of the Education Practices Commission will consider final agency action in matters dealing with the disciplining of certified educators.

If a person decides to appeal any decision made by the Commission with respect to any matter considered at this hearing, he or she will need to ensure that a verbatim record of the proceeding is made. The record will include the testimony and evidence upon which the appeal is to be based.

SPECIAL ACCOMMODATION: Any person requiring a special impairment accommodation should contact Kathleen M. Richards, (850)245-0455, at least five (5) calendar days prior to the hearing. Persons who are hearing or speech impaired can contact the Commission using the Florida Dual Party Relay System at 711.

Additional information may be obtained by writing to: Education Practices Commission, 325 W. Gaines Street, 224 Turlington Building, Tallahassee, Florida 32399-0400.

The **Florida Conflict Resolution Consortium** announces a public meeting to which all persons are invited.

DATE AND TIME: February 28, 2007, 1:00 p.m. – 4:00 p.m.

PLACE: Gulf Breeze United Methodist Church Community Life Center, 4115 Soundside Dr., Gulf Breeze, FL 32561

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a meeting of a newly formed subcommittee of the Sustainable Emerald Coast Committee whose purpose is to focus on Economic Diversity in the region.

A copy of the agenda may be obtained by contacting Lisa Fowler at (850)644-7063.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Lisa Fowler at (850)644-7063. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Commission for Independent Education** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 7, 2007 – Rules Committee Meeting, 9:00 a.m.; March 7, 2007 – Commission Meeting, 2:00 p.m.; March 8, 2007 – Commission Meeting, 9:00 a.m.

PLACE: Radisson Worldgate Resort, 3011 Maingate Lane, Kissimmee, Florida 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the general business of the Rules Committee on March 7, 2007. The Commission for Independent Education will consider disciplinary matters, Informal Hearings, Institutions Ordered to Appear Back Before the Commission, New Applications for Licensure, and Institutional Applications for Program Modifications and Additional Programs, Application for Annual License, Motions for Extension of License, Motions for Request for Extension of Time to Comply with Contingencies, Reports, Approved Applicant Letters Sent, Licenses Sent, Closed Schools, Agent Training Programs, as well as other Commission business on March 7, 2007. All other licensure applications and other general Commission business will be considered on March 8, 2007 to include Annual Renewals, Extension of Annual License, Licenses by Means of Accreditation, Annual Reviews of License By Means of Accreditation, Substantive Change Applications, Name Change Applications, Attorney and Executive Director Reports, as well as Applications for Exemptions for Religious Colleges.

A copy of the agenda may be obtained by contacting: Commission Office, Commission for Independent Education, 325 West Gaines Street, Suite 1414, Tallahassee, Florida 32399-0400.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Commission for Independent Education, 325 West Gaines Street, Tallahassee, Florida 32399-0400, (850)245-3200. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Schools of Excellence Commission** announces a public meeting to which all persons are invited.

DATE AND TIME: March 8, 2007, 10:00 a.m. until completion

PLACE: 400 South Monroe Street, Capitol LL-03, Tallahassee, Florida 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Per Section 1002.335(3)(c), Florida Statutes. The Florida Schools of Excellence Commission shall meet each month at the call of the chair.

A copy of the agenda may be obtained by contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by calling (850)245-0861.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 1 day before the workshop/meeting by contacting: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by calling (850)245-0861. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Department of Education, Attn: Jacqueline Hitchcock, 325 West Gaines Street, Suite 522, Tallahassee, Florida 32399-0400 or by calling (850)245-0861.

The **Gulf Coast Community College District**, Board of Trustees will hold a Special Meeting as follows: Contact person for the meeting is Wanda Luckie, Presidential Search Liaison.

DATE AND TIME: February 27, 2007, 3:00 p.m. (CST)

PLACE: Third Floor, Seminar Room 306, Student Union West

GENERAL SUBJECT MATTER TO BE CONSIDERED: Presidential Search Deliberation.

The **Gulf Coast Community College District**, Board of Trustees will hold its monthly meeting as follows: Contact person for the meeting is Dr. Robert L. McSpadden, President.

DATE AND TIME: March 8, 2007, 10:00 a.m. (CST)

PLACE: Third Floor, Seminar Room, Student Union West

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Meeting.

The **Florida Community College at Jacksonville District Board of Trustees** announces the following meetings to which the public is invited.

STRATEGIC CONVERSATION

DATE AND TIME: March 6, 2007, 12:00 Noon – 2:00 p.m.

PLACE: Advanced Technology Center, Room T-140, 401 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Joint meeting with FCCJ Foundation Board of Directors.

REGULAR MONTHLY BOARD MEETING

DATE AND TIME: March 6, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 451, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular meeting.

DISCUSSION OF COLLEGE OPERATIONAL MATTERS, TIME PERMITTING:

DATE AND TIME: March 6, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: Donald T. Martin Center for College Services, Room 462, 501 West State Street, Jacksonville, Florida 32202

GENERAL SUBJECT MATTER TO BE CONSIDERED: College operational matters.

Copies of the agenda for the strategic conversation and the regular monthly Board meeting will be available for inspection on and after Tuesday, February 27, 2007 and copies will be provided upon written request and the payment of approved duplicating charges.

Any person wishing to address agenda items at the Board of Trustees meeting will be provided an opportunity to do so by appearing before the Board at the meeting.

All objections to this notice or the propriety of the scheduled public meeting should be filed in writing with the College President, Florida Community College at Jacksonville on or before March 6, 2007. All legal issues should be brought to the College's attention and an attempt made to resolve them prior to the public meeting.

Any person wishing to appeal a decision made by the Board with respect to any matter considered at this meeting will need a record of the proceeding for such an appeal and may, therefore, need to ensure that a verbatim record is made.

Through the months of March and April, 2007, the Board will hold informal meetings each Thursday from 12:00 Noon to 4:00 p.m. at the Donald T. Martin Center for College Services, Room 462, for the purpose of discussing College business as appropriate.

FCCJ does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services and is an equal access/equal opportunity/affirmative action college.

If special accommodations are required, please advise human resources 24 hours in advance of the meeting.

The public is invited to a meeting of the **Board of Governors of the State University System of Florida**.

DATE AND TIME: March 9, 2007, 9:00 a.m. – 10:00 a.m.

PLACE: By Telephone Conference Call, 1605 Turlington Building, 325 W. Gaines Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of matters of interest to the Board of Governors being discussed by the 2007 Florida Legislature; and other matters pertaining to the Board of Governors.

A copy of the agenda may be obtained from the Board of Governors website: <http://www.flbog.org>.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Office of Access and Equity, (850)245-9531 (Voice), at least 7 days in advance, so that their needs can be accommodated.

DEPARTMENT OF COMMUNITY AFFAIRS

The **Department of Community Affairs** announces a public meeting to which all interested parties are invited.

DATE AND TIME: February 27, 2007, 1:00 p.m.

PLACE: Putnam County Public Library, 601 College Road, Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Weatherization Assistance Program (WAP) and the Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in Putnam County. Entities interested in contracting with DCA to provide these services should be present at this public meeting in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entity's experience and performance in weatherization or housing renovation activities, and in assisting low-income persons in the area to be served, and the entity's capacity to undertake a timely and effective weatherization program. Preference will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train

participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements.

ACTIONS TO BE TAKEN: The DCA will review all submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Putnam County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Community Affairs at (850)488-7541 at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public meeting to which all interested parties are invited.

DATE AND TIME: February 28, 2007, 9:30 a.m.

PLACE: Nassau County Government Complex, 96135 Nassau Place, Commission Chambers, Yulee, Florida 32097

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Department of Community Affairs (DCA) is seeking a public or nonprofit entity to administer the Weatherization Assistance Program (WAP) and the Weatherization-Low Income Home Energy Assistance Program (WAP-LIHEAP) in Nassau County. Entities interested in contracting with DCA to provide these services should be present at this public meeting in order to be informed of the qualifications and application requirements. Selection of an entity will be based on the entity's experience and performance in weatherization or

housing renovation activities, and in assisting low-income persons in the area to be served, and the entity's capacity to undertake a timely and effective weatherization program. Preference will be given to any Community Action Agency or other public or nonprofit entity which has, or is currently administering an effective DCA funded Weatherization Assistance Program. The following qualities will be reviewed: (1) the extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion; (2) the quality of work performed by the entity; (3) the number, qualifications, and experience of the staff members of the entity; (4) the ability of the entity to secure volunteers, train participants and public service employment workers; and (5) maintain compliance with administration and financial management requirements.

ACTIONS TO BE TAKEN: The DCA will review all submitted applications, and make a decision regarding each entity's eligibility to provide Weatherization Assistance Program services to Nassau County. Recommendations will then be prepared by the Department staff for the selected entity for subsequent consideration and approval or disapproval by the Department's Secretary.

ADDITIONAL INFORMATION: Requests for additional information or questions may be addressed to: Norm Gempel, Manager, Florida Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

Anyone who wants a copy of the agenda or additional information on this meeting may write or call: Mr. Norm Gempel, Manager, Department of Community Affairs, Sadowski Building, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, (850)488-7541, or Fax (850)488-2488.

APPEALS INFORMATION: If a person decides to appeal any decision of the Department of Community Affairs with respect to any matter considered at this public meeting, he or she will need a formal record of the proceeding, and for such purposes he or she may need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence upon which the appeal is to be made.

Any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Department of Community Affairs, (850)488-7541, at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please contact the Department of Community Affairs using the Florida Dual Party Relay System which can be reached at 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

The **Department of Community Affairs** announces a public meeting to which all persons are invited.

DATE AND TIME: March 2, 2007, 10:30 a.m. – 12:00 Noon

PLACE: University of Florida Levin College of Law, located at the intersection of S.W. 2nd Avenue and S.W. 25th Street, Gainesville, Florida 33611

GENERAL SUBJECT MATTER TO BE CONSIDERED: The members present will discuss the Commission's First Annual Report and general items relating to matters that are of interest to the work of the Commission, including climate change, and the future of Florida's land and water resources.

A copy of the agenda may be obtained by contacting: Kelly Martinson, (850)488-0410, e-mail: Kelly.martinson@dca.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Kelly Martinson, (850)488-0410, at least seven days in advance. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Kelly Martinson, (850)488-0410, e-mail: Kelly.martinson@dca.state.fl.us.

DEPARTMENT OF TRANSPORTATION

The **Commercial Motor Vehicle Review Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 8, 2007, 8:30 a.m.

PLACE: Hawthorn Suites, 7601 Canada Avenue, Orlando, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: This is a monthly meeting of the Commercial Motor Vehicle Review Board for the purpose of reviewing penalties imposed upon any vehicle or person under the provisions of Chapter 316, Florida Statutes, relating to weights imposed on the highway by the axles and wheels of motor vehicles, to special fuel and motor fuel tax compliance, or to violations of safety regulations.

Any person aggrieved by the imposition of a civil penalty pursuant to Section 316.3025 or 316.550, Florida Statutes, may apply to the Commercial Motor Vehicle Review Board for a modification, cancellation, or revocation of the penalty.

Anyone needing an agenda or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below or call Christine Jones at (850)245-7914.

A copy of the agenda may be obtained by writing to: Christine Jones, Executive Assistant, Commercial Motor Vehicle Review Board, 325 John Knox Rd., Bldg. K, Tallahassee, FL 32303.

Special accommodation requests under the Americans with Disabilities Act should be made at least 48 hours prior to the public meeting.

The **Department of Transportation**, District 4 announces a hearing to which all persons are invited.

DATE AND TIME: Thursday, March 29, 2007, 6:00 p.m.

PLACE: Marriott Boca Raton at Boca Center, Salons A and B, 5150 Town Center Circle, Boca Raton, FL 33486

GENERAL SUBJECT MATTER TO BE CONSIDERED: This hearing is being held to afford interested persons the opportunity to express their views concerning the location, conceptual design, and natural and human environmental effects of the Efficient Transportation Decision Making Process (ETDM) Project I.D. No.: 4631, otherwise known as the SR 808/Glades Road Intersection Improvements Project Development and Environment (PD&E) Study. The limits of the project are from west of Powerline/Jog Roads to St. Andrews Boulevard in Palm Beach County, Florida.

A copy of the agenda may be obtained by writing to: Gregor Senger, Project Manager, Florida Department of Transportation, District 4, Office of Planning and Environmental Management, 3400 West Commercial Boulevard, Fort Lauderdale, Florida 33309-3421.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting. Anyone needing project or public hearing information or special accommodations under the Americans with Disabilities Act of 1990 should write to the address given below, or call telephone number (954)777-4141 or Toll Free 1(866)336-8435, ext. 4141. Special accommodation requests under the Americans with Disabilities Act should be made at least seven (7) days prior to the public hearing. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION

NOTICE IS HEREBY GIVEN by the **State Board of Administration** of a public meeting of the Florida Commission on Hurricane Loss Projection Methodology to which all persons are invited.

DATE AND TIME: Tuesday, March 13, 2007, 9:00 a.m. – 4:00 p.m. (ET)

PLACE: Hermitage Centre Conference Room, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida

TELEPHONE PARTICIPATION: Persons who wish to participate by telephone may call (888)808-6959 and enter conference code 4765251363

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting is a regular business meeting of the Commission during which the Commission will discuss the model submissions received under the standards and acceptability process for 2006. In addition, other general business of the Commission will be addressed.

Anyone wishing to receive a copy of the agenda for the meeting should contact: Donna Sirmons, State Board of Administration, P. O. Box 13300, Tallahassee, FL 32317-3300. In compliance with the Americans with Disabilities Act, anyone needing special accommodation to attend the meeting is requested to call Donna Sirmons, (850)413-1349, five days prior to the meeting so that appropriate arrangements can be made.

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 9:30 a.m.

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board Investment Committee, to which all interested persons are invited to attend.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Prepaid College Board** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 11:00 a.m.

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Board to which all persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Florida Prepaid College Foundation** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 12:30 a.m.

PLACE: The Hermitage Centre, Hermitage Room, 1801 Hermitage Boulevard, Tallahassee, Florida 32308

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board Meeting. The purpose of this meeting is to conduct the regular business of the Florida Prepaid College Foundation Board, to which all interested persons are invited.

A copy of the agenda may be obtained by contacting: Thomas J. Wallace, Executive Director, Florida Prepaid College Board, 1801 Hermitage Boulevard, Suite 210, Tallahassee, Florida 32308, or by calling (850)488-8514.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

PUBLIC SERVICE COMMISSION

The Florida **Public Service Commission** announces its Internal Affairs Meeting to which all interested persons are invited.

DATE AND TIME: *March 12, 2007, 9:30 a.m.

PLACE: The Betty Easley Conference Center, 4075 Esplanade Way, Conference Room 140, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss and make decisions on matters which affect the operation of the Commission.

A copy of the agenda of the Internal Affairs Meeting may be obtained by contacting: Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

Any person requiring some accommodation at this meeting because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

*In the event of a change or cancellation, notice will be published at the earliest practicable time on the Commission's website at <http://www.psc.state.fl.us/agendas/internalaffairs/>.

The Florida **Public Service Commission** announces its regularly scheduled conference to which all interested persons are invited.

DATE AND TIME: March 13, 2007, 9:30 a.m.

PLACE: Betty Easley Conference Center, Joseph P. Cressee Hearing Room 148, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To consider those matters ready for decision.

LEGAL AUTHORITY AND JURISDICTION: Chapters 120, 350, 364, 366, and 367, F.S.

Persons who may be affected by Commission action on certain items on the conference agenda may be allowed to address the Commission, either informally or by oral argument, when those items are taken up for discussion at the conference, pursuant to Rules 25-22.0021 and 25-22.0022, F.A.C.

A copy of the agenda may be obtained by any person who requests a copy and pays the reasonable cost of the copy (\$1.00, see Copying Charges for Commission Records), by contacting the Division of the Commission Clerk and Administrative Services, (850)413-6770 or writing to: Director, Division of the Commission Clerk and Administrative Services, Florida Public Service Commission, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850. The agenda and recommendations are also accessible on the PSC Website, at <http://www.floridapsc.com>, at no charge. Persons deciding to appeal any decisions made by the Commission with respect to any matter considered at this conference will need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which appeal is based. Any person requiring

some accommodation at this conference because of a physical impairment should call the Division of the Commission Clerk and Administrative Services, (850)413-6770 at least 48 hours prior to the conference. Any person who is hearing or speech impaired should contact the Commission by using the Florida Relay Service, which can be reached at 1(800)955-8771 (TDD) or 1(800)955-8770 (VOICE).

The **Public Service Commission** announces a hearing to which all persons are invited.

DATE AND TIME: PREHEARING CONFERENCE – Thursday, April 5, 2007, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this prehearing conference for docket number 070098-EI – Petition to Determine Need for FPL Glades Power Park Units 1 and 3 Electrical Power Plant by Florida Power & Light Company, is to: (1) simplify the issues; (2) identify the positions of the parties on the issues; (3) consider the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof; (4) identify exhibits; (5) establish an order of witnesses; and (6) consider such other matters as may aid in the disposition of the action.

HEARING

DATES AND TIME: Monday – Tuesday, April 16-17, 2007, 9:30 a.m.

PLACE: Room 148, Betty Easley Conference Center, 4075 Esplanade Way, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of this hearing is for the Commission to take final action to determine the need, pursuant to Section 403.519, Florida Statutes, for Florida Power & Light Company (FPL) proposed electrical power plants to be constructed in Glades County, and to consider any motions or other matters that may be pending at the time of the hearing. The Commission may rule on any such motions from the bench or may take the matters under advisement. This proceeding shall: (1) allow FPL to present evidence and testimony in support of its petition for a determination of need for its proposed electrical power plants; (2) permit any intervenors to present testimony and exhibits concerning this matter; (3) permit members of the public who are not parties to the need determination proceeding the opportunity to present testimony concerning this matter; and (4) allow for such other purposes as the Commission may deem appropriate.

Any member of the public who wishes to offer testimony should be present at the beginning of the hearing on Monday, April 16, 2007. By providing public testimony, a person does not become a party to the proceeding. To become an official party of record, you must file a Petition for Intervention at least five days before the final hearing, pursuant to the requirements

contained in Rule 25-22.039, Florida Administrative Code. All witnesses shall be subject to cross-examination at the conclusion of their testimony.

The hearing will be governed by the provisions of Chapter 120, Florida Statutes; Section 403.519, Florida Statutes; and Chapters 25-22 and 28-106, Florida Administrative Code.

Only issues relating to the need for the electrical power plants will be heard at the April 16-17, 2007, hearing. Separate public hearings will be held before the Division of Administrative Hearings to consider environmental and other impacts of the proposed power plants, as required by the "Power Plant Siting Act," Sections 403.501-.519, Florida Statutes.

A copy of the agenda may be obtained by contacting: N/A

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Florida Public Service Commission, Division of the Commission Clerk and Administrative Services 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850 or by calling (850)413-6770. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Florida Public Service Commission, Division of the Commission Clerk and Administrative Services, 2540 Shumard Oak Boulevard, Tallahassee, Florida 32399-0850.

EXECUTIVE OFFICE OF THE GOVERNOR

NOTICE OF CHANGE – The Gubernatorial Fellows Board announces a public meeting to which all persons and interested media are invited, except as provided under Section 288.9551, Fla.Stat. (2003).

DATE and TIME: Monday, February 26, 2007, Time changed to 2:00 p.m.

PLACE: Governor's Small Conference Room, The Capitol, Tallahassee, Florida 32399

LEADER: Sara Struhs

GENERAL SUBJECT MATTER TO BE CONSIDERED: At this call meeting, the board will discuss issues related to the future of the Gubernatorial Fellows Program.

For a copy of the working agenda and more information about how to attend the meeting, contact Mark Nelson at mark.nelson@vffund.org or (850)410-0696.

ADMINISTRATION COMMISSION

The **Administration Commission** announces a hearing to which all persons are invited.

DATE AND TIME: March 5, 2007, 2:00 p.m.

PLACE: The Capitol, Room 2103, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Gilchrist County Sheriff's Budget Appeal.

A copy of the agenda may be obtained by contacting: Sandra Roach, Office of the Governor, The Capitol, Room 1802, Tallahassee, FL 32399-0001, (850)922-4020.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least five days before the workshop/meeting by contacting: Sandra Roach, Office of the Governor, The Capitol, Room 1802, Tallahassee, FL 32399-0001, (850)922-4020. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Sandra Roach, Office of the Governor, The Capitol, Room 1802, Tallahassee, FL 32399-0001, (850)922-4020.

REGIONAL PLANNING COUNCILS

The **Treasure Coast Regional Planning Council** announces a public meeting to which all persons are invited.

DATE AND TIME: March 16, 2007, 9:30 a.m.

PLACE: Wolf High Technology Center, Indian River Community College Chastain Center, 2400 S. E. Salerno Road, Stuart, FL 34997

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct the monthly meeting of the Council.

A copy of the agenda may be obtained by contacting: Treasure Coast Regional Planning Council, 301 East Ocean Boulevard, Suite 300, Stuart, FL 34994.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Liz Gulick at (772)221-4060.

REGIONAL TRANSPORTATION AUTHORITIES

The **SFRTA** announces a public meeting to which all persons are invited.

DATE AND TIME: Monday, March 5, 2007, 1:00 p.m.

PLACE: SFRTA's Main Conference Room, 800 N. W. 33 Street, Pompano Beach, FL 33064

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Evaluation / Selection Committee for RFP 06-113 "Commuter Rail Fleet Maintenance for SFRTA's Commuter Rail System" will hold an Evaluation / Selection Meeting March 5, 2007.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)942-7245 for assistance; if hearing impaired, telephone 1(800)273-7545 (TTY) for assistance. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Executive Office, 800 N. W. 33rd Street, Suite 100, Pompano Beach, FL 33064, (954)788-7915.

WATER MANAGEMENT DISTRICTS

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATES AND TIMES: Thursday, March 8, 2007, 6:00 p.m. – Projects & Land Committee Public Meeting Forum; Friday, March 9, 2007, 8:00 a.m. – Projects & Land Committee business meeting followed by tour of Lake Apopka North Shore Restoration Area

PLACE: Mission Inn, 10400 County Road 48, Howey-in-the-Hills, FL 34737

GENERAL SUBJECT MATTER TO BE CONSIDERED: March 8 public meeting for presentations and discussion of restoration projects in the Upper Ocklawaha River Basin and conceptual planning for Lake Apopka North Shore Restoration Area. March 9 business meeting is for consideration of District

agenda items including regulatory and non-regulatory matters. Tour of Lake Apopka North Shore Restoration Area will follow business meeting.

NOTE: In the event a quorum of the Committee is not available for the business meeting at the date, time, and place set forth above, the Committee shall meet on the following Tuesday, March 13, 2007, 8:00 a.m., at the St. Johns River Water Management District, Highway 100 West (4049 Reid Street), Palatka, FL 32177. One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District, Attention: Hazel Hinton, by mail or phone (386)329-4500 or website www.sjrwmd.com

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: Hazel Hinton, (386)329-4347 If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **St. Johns River Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIMES: Tuesday, March 13, 2007, 8:15 a.m. – Chairmen's Meeting; 8:45 a.m. – Finance & Administration Committee; 10:00 a.m. – Regulatory Committee; 1:00 p.m. – Governing Board Meeting and Public Hearing on Land Acquisition

PLACE: District Headquarters, 4049 Reid St. (Hwy. 100 West), Palatka, Florida 32177

GENERAL SUBJECT MATTER TO BE CONSIDERED: Discussion of District business including regulatory and non-regulatory matters. Staff may recommend approval of external budget amendments which affect the adopted budget. NOTE: One or more Governing Board members may attend and participate in the meetings by means of communications media technology.

A copy of the agenda may be obtained by contacting: St. Johns River Water Management District by mail or calling (386)329-4500 or on website www.sjrwmd.com;

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: District Clerk (386)329-4500. If you are hearing or

speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 6, 2007, 9:30 a.m.

PLACE: Tampa Service Office, 7601 U.S. Highway 301 North, Tampa, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Basin Board Education Committee: Consider Committee business.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604; 1(800)423-1476 (Florida) or 352-796-7211, extension 4606.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: SWFWMD Executive Department at the address above.

The **Southwest Florida Water Management District** (SWFWMD) announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 9, 2007, 10:00 a.m.

PLACE: Circle B Bar Reserve Environmental Education Center, 3905 Winter Lake Road, Lakeland, Florida 33803

GENERAL SUBJECT MATTER TO BE CONSIDERED: Circle B Bar Reserve Environmental Education Center Groundbreaking: Groundbreaking ceremony, airboat tours of Lake Hancock and possibly terrestrial tours of the nearby county landfill.

A copy of the agenda may be obtained by contacting: SWFWMD Executive Department, 2379 Broad Street, Brooksville, Florida 34604; 1(800)423-1476 (Florida) or (352)796-7211, extension 4606.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 3 days before the workshop/meeting by contacting: General Services Department, 1(800)423-1476 (Florida) or (352)796-7211, extension 4527, TDD only 1(800)231-6103. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: SWFWMD Executive Department at the address above.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

C-11 Recreational Trail- Phase 2

DATE AND TIME: February 20, 2007, 6:45 p.m.

PLACE: SFWMD, Broward Service Center, 8211 West Broward Blvd., Plantation, Florida 33324

GENERAL SUBJECT MATTER TO BE CONSIDERED: Public meeting to request public input on a \$200,000 Grant from the Florida Department of Environmental Protection Office of Greenways and Trails in partnership with the Town of Southwest Ranches for the construction of a public mixed-use recreational trail along the C11 canal, from interstate 75 to Flamingo Road, consistent with the Town of Southwest Ranches adopted Comprehensive Greenways Trails Master Plan.

A copy of the agenda may be obtained by contacting: Jose Lopez, (954)713-3200, extension 4980, at least two business days prior to the event.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting District Clerk's office at (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact District Clerk's office at (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

Preapplication Conference for the C-43 Basin Storage Reservoir Project

DATE AND TIME: March 6, 2007, 2:00 p.m. – 5:00 p.m.

PLACE: City of LaBelle Civic Center, 481 West Hickpochee Avenue (State Road 80), LaBelle, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose of the preapplication conference is for SFWMD to request information from all federal and state agencies with applicable regulatory jurisdiction to assist SFWMD in determining with reasonable certainty that the C-43 Basin Storage Reservoir Project is consistent with applicable law and regulations, and can be permitted and operated as proposed. The SFWMD is required by Section 373.1501, Florida Statutes, to convene a preapplication conference as part of its role as the local sponsor.

A copy of the agenda may be obtained by contacting John Morgan, South Florida Water Management District, (561)681-2563, ext. 3703 or jmorganj@sfwmd.gov

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting District Clerk's Office, (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: District Clerk's Office (561)682-2087

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: Governing Board Audit Committee Meeting – Wednesday, March 7, 2007, 10:00 a.m.

PLACE: SFWMD Headquarters, B-1 Building, 3301 Gun Club Road, West Palm Beach, Florida 33416

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Governing Board Audit Committee meeting to discuss and consider District business.

A copy of the agenda may be obtained by contacting: Jacki McGorty, (561)682-2087, or https://my.sfwmd.gov/portal/page?_pageid=2574,13014318&_dad=portal&_schema=PORTAL

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District Clerk's office (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: District Clerk's office (561)682-2087.

The **South Florida Water Management District** announces a public meeting to which all persons are invited.

DATE AND TIME: March 8, 2007, 9:00 a.m. – 4:00 p.m.

PLACE: Radisson Resort Orlando-Celebration, Conference Rooms Eagle and Tropical, 2900 Parkway Boulevard, Kissimmee, FL 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED: A Public Meeting of the Water Resources Advisory Commission (WRAC).

A copy of the agenda may be obtained by contacting Rick Smith at (561)682-6517 or at our website: <http://my.sfwmd.gov/wrac>

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: District's Clerk Office, Jacki McGorty, (561)682-2087. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: The District's Clerk Office, Jacki McGorty at (561)682-2087.

REGIONAL UTILITY AUTHORITIES

The **Peace River/Manasota Regional Water Supply Authority** announces the following Board of Directors meeting to which the public is invited.

DATE AND TIME: Friday, March 9, 2007, 10:00 a.m.

PLACE: Manatee County Administrative Center, 1112 Manatee Avenue West, Bradenton, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors will convene to conduct regular business of the Authority.

A copy of the agenda may be obtained by writing: Peace River/Manasota Regional Water Supply Authority, 6311 Atrium Drive, Suite 100, Bradenton, Florida 34202. Although Authority board meetings are normally recorded, affected persons are advised it may be necessary for them to ensure a verbatim record of the meeting is made, including testimony and evidence upon which an appeal is to be based.

Persons with disabilities who need assistance may call (941)316-1776 at least two business days in advance to make appropriate arrangements.

DEPARTMENT OF ELDER AFFAIRS

The **Department of Elder Affairs**, Office of the General Counsel, announces a workshop to which all persons are invited.

DATE AND TIME: March 14, 2007, 9:30 a.m. – 12:00 Noon (EST)

PLACE: Department of Elder Affairs, 4040 Esplanade Way, Conference Room 225F, Tallahassee, Florida 32399-7000

GENERAL SUBJECT MATTER TO BE CONSIDERED: Hospice definitions; licensure requirements and procedures; administration of hospices, including statutorily mandated outcome measures and the adoption of national initiatives; and program reporting requirements, including two new reporting forms. Exact rule language and reporting forms can be found on the department's website at <http://www.elderaffairs.state.fl.us>, DOEA Rulemaking/Hospice.

A copy of the agenda may be obtained by contacting the department's website at <http://www.elderaffairs.state.fl.us>, DOEA Rulemaking/Hospice, or Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: crochetj@elderaffairs.org

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: crochetj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: crochethj@elderaffairs.org.

The **Department of Elder Affairs** announces a workshop to which all persons are invited.

DATE AND TIME: March 19, 2007, 9:30 a.m. – 12:00 Noon
PLACE: Broward County Transportation Engineering Division and Transportation Management Center, 2300 West Commercial Blvd., Conference Room A & B, Fort Lauderdale, Florida 33309

GENERAL SUBJECT MATTER TO BE CONSIDERED: Revisions to the standards for lead agency exemption from the competitive bid process. Exact rule language for Rule 58C-1.006, F.A.C., Standards for Lead Agency Exemption from the Competitive Bid Process, can be found on the department's website at <http://www.elderaffairs.state.fl.us>, under DOEA Rulemaking/CCE.

A copy of the agenda may be obtained by contacting the department's website at: <http://www.elderaffairs.state.fl.us>, under DOEA Rulemaking/CCE; or Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email crochethj@elderaffairs.org. If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 72 hours before the workshop/meeting by contacting: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: crochethj@elderaffairs.org. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Jim Crochet, Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000, (850)414-2000, email: crochethj@elderaffairs.org

AGENCY FOR HEALTH CARE ADMINISTRATION

The **Agency for Health Care Administration** announces a meeting of the Pharmaceutical and Therapeutics Committee to which all interested parties are invited.

DATE AND TIME: Wednesday, March 7, 2007, 9:30 a.m. – 2:30 p.m.

PLACE: Tampa Airport Marriott, Tampa International Airport, Tampa, Florida 33607

GENERAL SUBJECT MATTER TO BE CONSIDERED: Recommendations for drugs to be included on the Preferred Drug List are made at this meeting.

Members of the public who wish to testify at this meeting must contact: Michael Bolin (850)487-4441. The number of speakers will be limited and will be accommodated in order of notification to Mr. Bolin. Because of unforeseen events that may cause changes, interested parties are encouraged to watch the website at http://www.fdhc.state.fl.us/Medicaid/Prescribed_Drug/index.s.html. Procedures for speakers to follow are also available on the website.

The **Agency for Health Care Administration** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 16, 2007, 1:00 p.m.

PLACE: Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, FL 32308. Anyone interested in participating may telephone (641)793-7500 / Pass Code: 9701442#.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Agency for Health Care Administration announces a teleconference meeting of the Governor's Health Information Infrastructure Advisory Board to which all interested parties are invited. The purpose is to study and make recommendations on the development and implementation of a Florida health information infrastructure including a strategy for promoting the use of electronic health records.

A copy of the agenda may be obtained by contacting: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403. The agenda will be posted at <http://ahca.myflorida.com/dhit/index.shtml> seven (7) days prior to the meeting.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Carolyn H. Turner, at (850)922-5861 at least five calendar days prior to the meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Carolyn H. Turner, Agency for Health Care Administration, 2727 Mahan Drive, Bldg. 3, Mail Stop #16, Tallahassee, FL 32308-5403, at (850)922-5861.

DEPARTMENT OF MANAGEMENT SERVICES

The **Governor's Mansion Commission** announces a meeting to which all interested persons are invited.

DATE AND TIME: Thursday, March 1, 2007, 1:00 p.m.

PLACE: Conference Call

GENERAL SUBJECT MATTER TO BE CONSIDERED: Regular Commission Meeting.

A copy of the agenda may be obtained by writing or by telephone to: Department of Management Service, Real Estate Development and Management, 4050 Esplanade Way, Suite 315, Tallahassee, Florida 32399-0950, (850)488-2074.

The Florida **Commission on Human Relations** announces a public meeting which is being conducted by communications media technology (CMT), i.e., by utilizing a telephone conference hookup, to which all persons are invited.

DATE AND TIME: Thursday, March 8, 2007, 9:00 a.m.

PLACE: 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, Please Call 1(888)808-6959, when prompted, enter VCS Conference Code 1021548, followed by the # key

GENERAL SUBJECT MATTER TO BE CONSIDERED: This meeting will be held to deliberate cases that have come before the Commission for determination.

A copy of the agenda may be obtained by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Denise Crawford, Clerk of the Commission, Florida Commission on Human Relations, 2009 Apalachee Parkway, Suite 100, Tallahassee, Florida 32301, (850)488-7082, ext. 1032.

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

Notice is hereby given by the **Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums and Mobile Homes**, of a meeting of the Advisory Council on Condominiums to which all interested persons are invited.

DATE AND TIME: March 6, 2007, 9:00 a.m. – 2:00 p.m. (or until business is completed)

PLACE: Department of Business and Professional Regulation Boardroom, 1940 North Monroe Street, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive public input and conduct general business of the Advisory Council.

AGENCY CONTACT PERSON: Carol Windham, Division of Florida Land Sales, Condominiums and Mobile Homes, Department of Business and Professional Regulation, 1940 North Monroe, Tallahassee, Florida 32399-1032, (850)488-1631.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the agency at least 48 hours before the meeting by contacting Carol Windham, Government Analyst at (850)488-1631. If you are hearing or speech impaired, please contact the agency by calling 1(800)955-8771 TDD.

The Probable Cause Panel of the **Construction Industry Licensing Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: February 27, 2007, 9:00 a.m. and 10:00 a.m. or soon thereafter

PLACE: Department of Business and Professional Regulation, 1940 North Monroe Street, Tallahassee, Florida 32309, (850)488-0062

GENERAL SUBJECT MATTER TO BE CONSIDERED: To review complaints in which a determination of the existence of probable cause has already been made.

A copy of the PUBLIC portion of the agenda may be obtained by writing to: April Hammonds, Chief Construction Attorney, Department of Business and Professional Regulation, Office of the General Counsel, 1940 N. Monroe Street, Suite 60, Tallahassee, Florida 32399-2202, or by phone at (850)488-0062.

NOTE: In accordance with the Americans with Disabilities Act, persons needing a special accommodation to participate in this proceeding should contact the Construction Prosecution Section no later than seven (7) days prior to the proceeding or

meeting at which such special accommodation is required. The Construction Prosecution Section may be contacted at the address and phone number listed above.

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, April 11, 2007; Thursday, April 12, 2007; Friday, April 13, 2007, 8:00 a.m.

PLACE: The Florida Hotel and Conference Center, 1500 Sand Lake Road, Orlando, Florida 32809

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

A copy of the agenda may be obtained by contacting: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Andy Janecek at (850)922-2701. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, May 9, 2007; Thursday, May 10, 2007; Friday, May 11, 2007, 8:00 a.m.

PLACE: Embassy Suites Hotel – USF, 3705 Spectrum Boulevard, Tampa, Florida 33612

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

A copy of the agenda may be obtained by contacting: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Andy Janecek at (850)922-2701. If you are hearing

or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Construction Industry Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIME: Wednesday, August 8, 2007; Thursday, August 9, 2007; Friday, August 10, 2007, 8:00 a.m.

PLACE: Four Seasons Resort Palm Beach, 2800 South Ocean Boulevard, Palm Beach, Florida 33480

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee, Disciplinary Actions, and General Session meetings of the Board.

A copy of the agenda may be obtained by contacting: Construction Industry Licensing Board, 1940 North Monroe Street, Tallahassee, FL 32399-1039.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting Andy Janecek at (850)922-2701. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Electrical Contractors' Licensing Board** announces a public meeting to which all persons are invited.

DATES AND TIMES: March 21, 2007, 4:00 p.m.; March 22, 2007, 8:00 a.m.; March 23, 2007, 8:00 a.m.

PLACE: Tradewinds Sandpiper Hotel & Suites, 6000 Gulf Boulevard, St. Pete Beach, FL 33706

GENERAL SUBJECT MATTER TO BE CONSIDERED: March 21, 2007 – Probable Cause Panel Meeting (portions are closed to the public); March 22, 2007 – Disciplinary Actions, General Business Meeting; March 23, 2007 – General Business Meeting.

A copy of the agenda may be obtained by contacting: Electrical Contractors' Licensing Board Office, 1940 North Monroe Street, Tallahassee, Florida 32399-0771

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Electrical Contractors' Licensing Board Office at (850)922-5012. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The Florida **Board of Professional Engineers** announces a public telephone conference call to which all persons are invited.

DATE AND TIME: Friday, March 23, 2007, 10:00 a.m.;
CONFERENCE CALL NUMBER: 1(866)895-8146 –
passcode 5210500

PLACE: Florida Board of Professional Engineers, 2507
Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED: To
act on recommendations from the Educational Advisory and
Application Review Committees to approve or deny
applications for licensure and any old or new business of the
Florida Board of Professional Engineers.

A copy of the agenda may be obtained by writing: Florida
Board of Professional Engineers, 2507 Callaway Road, Suite
200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the
Board with respect to any matter considered at this meeting,
they will need a record of the proceedings, and for such
purposes they may need to ensure that a verbatim record of the
proceedings is made, which record will include the testimony
and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this meeting is asked to advise the Board at least
forty-eight (48) hours before the meeting by contacting Paul J.
Martin at (850)521-0500.

The Florida **Board of Professional Engineers** and the **Florida
Engineers Management Corporation** announces a public
meeting of the Board Operations Committee to conduct the
business of the Board and Corporation, to which all persons are
invited.

DATE AND TIME: Tuesday, March 13, 2007, 1:00 p.m. until
conclusion of meeting

PLACE: Florida Board of Professional Engineers, 2507
Callaway Road, Suite 200, Tallahassee, Florida 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Meeting of the Board Operations Committee to conduct
general business of the Board and Corporation.

A copy of the agenda may be obtained by writing: Florida
Board of Professional Engineers, 2507 Callaway Road, Suite
200, Tallahassee, Florida 32303.

If any person decides to appeal and decision made by the
Board with respect to any matter considered at this meeting,
they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the
proceedings is made, which record will include the testimony
and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this meeting is asked to advise the Board at least
forty-eight (48) hours before the meeting by contacting Paul J.
Martin at (850)521-0500.

The **Florida Engineers Management Corporation** and the
Florida **Board of Professional Engineers** announces a joint
public meeting, to which all persons are invited.

DATES AND TIMES: Wednesday, April 18, 2007, 8:30 a.m.
and continuing on Thursday, April 19, 2007, 8:30 a.m., if
business of the Board is not concluded

PLACE: Radisson WorldGate Resort, 3011 Maingate Lane,
Kissimmee, Florida 34747

GENERAL SUBJECT MATTER TO BE CONSIDERED:
General business of the Board.

A copy of the agenda may be obtained by writing: Florida
Board of Professional Engineers, 2507 Callaway Road, Suite
200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the
Board with respect to any matter considered at this meeting,
they will need a record of the proceedings, and for such
purposes they may need to ensure that a verbatim record of the
proceedings is made, which record will include the testimony
and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities
Act, any person requiring special accommodations to
participate in this meeting is asked to advise the Board at least
forty-eight (48) hours before the meeting by contacting Paul J.
Martin at (850)521-0500.

The Florida **Board of Professional Engineers** announces a
public meeting of the Educational Advisory and Application
Review Committees which all persons are invited.

DATE AND TIME: Wednesday, March 14, 2007, 8:30 a.m.

PLACE: Florida Board of Professional Engineers, 2507
Callaway Road, Suite 200, Tallahassee, FL 32303

GENERAL SUBJECT MATTER TO BE CONSIDERED:
Review of applications for examination and/or licensure by
endorsement and to review applications of foreign educated
applicants.

A copy of the agenda may be obtained by writing: Florida
Board of Professional Engineers, 2507 Callaway Road, Suite
200, Tallahassee, Florida 32303.

If any person decides to appeal any decision made by the
Board with respect to any matter considered at this meeting,
they will need a record of the proceedings, and for such

purposes they may need to ensure that a verbatim record of the proceedings is made, which record will include the testimony and evidence upon which the appeal is to be made.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this meeting is asked to advise the Board at least forty-eight (48) hours before the meeting by contacting Paul J. Martin, (850)521-0500.

The **Department of Business and Professional Regulation, Board of Professional Geologists** announces a telephone conference call to which all persons are invited.

DATE AND TIME: Monday, March 12, 2007, 10:00 a.m.

PLACE: Call in number is (888)808-6959 and Conference Code Number is 9226020

GENERAL SUBJECT MATTER TO BE CONSIDERED: General Board Business.

A copy of the agenda may be obtained by contacting: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Richard Morrison, Executive Director, Department of Business and Professional Regulation, Board of Professional Geologists, 1940 North Monroe Street, Tallahassee, FL 32399-0756.

The Probable Cause Panel of the **Florida Real Estate Appraisal Board** announces a meeting to which all interested persons are invited.

DATE AND TIME: Wednesday, March 5, 2007, 9:30 a.m., or the soonest thereafter (Portions of the probable cause proceedings are not open to the public)

PLACE: The Division of Real Estate Conference Room N901, North Tower, 400 West Robinson Street, Orlando, Florida 32801

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases to determine probable cause and to conduct a public meeting to review cases where probable cause was previously found. Portions of the probable cause proceedings are not open to the public.

All or part of this meeting may be conducted by teleconference in order to permit maximum participation of the Board members or its counsel.

NOTE: In accordance with the Americans with Disabilities Act, any person requiring a special accommodation at this meeting because of a disability or physical impairment should contact the Division of Real Estate, (407)481-5632 (between the hours of 9:00 a.m. – 4:00 p.m.), at least five (5) calendar days prior to the meeting. If you are hearing or speech impaired, please call the Division of Real Estate using the Florida Dual Party Relay System, 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, March 28, 2007, 1:30 p.m.

PLACE: Department of Environmental Protection, Northeast District Office, Teleconference Room, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Lower St. Johns River (LSJR) TMDL Technical Working Group will continue working on development of a draft Basin Management Action Plan (BMAP) for presentation to the LSJR TMDL Executive Committee. Topics to be discussed include the status of the BMAP project collection process for nonpoint sources and MS4s, review of the Department's authority to require reductions beyond the maximum extent practicable, use of location factors for water quality credit trading, use of credits generated by State funds, and the results of the most recent TMDL modeling.

A copy of the agenda may be obtained by contacting Ms. Pat Waters, (850)245-8449 or by e-mail at pat.waters@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting Ms. Pat Waters at (850)245-8449. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Department of Environmental Protection** announces a public meeting to which all persons are invited.

DATE AND TIME: Thursday, March 29, 2007, 9:00 a.m.

PLACE: Department of Environmental Protection, Northeast District Office, Conference Room A & B, 7825 Baymeadows Way, Suite B200, Jacksonville, Florida 32256

GENERAL SUBJECT MATTER TO BE CONSIDERED: The LSJR TMDL Executive Committee and Stakeholders Group were formed to provide a forum for stakeholders to discuss issues related to the LSJR Total Maximum Daily Load (TMDL) for nutrients, including development, allocation, and implementation of the TMDL. Topics for this meeting include updates on a variety of TMDL and Basin Management Action Plan (BMAP) activities, including status of the BMAP project collection process for nonpoint sources and MS4s, review of the Department's authority to require reductions beyond the maximum extent practicable, use of location factors for water quality credit trading, use of credits generated by State funds, results of the most recent TMDL modeling, and development of the BMAP Monitoring Plan.

A copy of the agenda may be obtained by contacting Ms. Pat Waters, (850)245-8449 or by email at pat.waters@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 hours before the workshop/meeting by contacting: If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Bureau of Water Facilities Funding** announces a hearing to which all persons are invited.

DATE AND TIME: April 11, 2007, 2:00 p.m.

PLACE: Bob Martinez Center, 2600 Blair Stone Road, Room 611, Tallahassee, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: To receive testimony and public comment and to take final action on management of the FY 2007 State Revolving Fund (SRF) priority list for water pollution control loan projects under Chapter 62-503, Florida Administrative Code (F.A.C.), and management of the FY 2006 Disadvantaged Small Community Grant priority list under Chapter 62-505, F.A.C.

Projects qualifying under Chapter 62-503, F.A.C. for wastewater, stormwater, or non-point source loans will be ranked and added to the priority list if requests and required documentation are received by March 12, 2007 and approved by the Department by March 27, 2007.

No funds are expected to be available for assignment to new projects on the Financially Disadvantaged Small Community Grant priority list. Eligible grant amounts may be adjusted for

ongoing projects that are under binding agreement and remain incompletely funded and allocations of special legislative appropriations may be adjusted among those Financially Disadvantaged Small Community Grant projects which have binding agreements and which have incurred costs exceeding available grant funding.

The Department may adopt, modify, or deny the proposed actions at the hearing. Pursuant to subsection 62 503.600(4), F.A.C., the Department's funding commitment to projects currently assigned to the water pollution control loan priority list may be withdrawn at the hearing if a local government is delinquent in submitting documents as scheduled. Prior to Department action at the hearing, all interested persons will have the opportunity to testify regarding the list and any proposed actions.

After the hearing, the Department will file the written Record of Final Agency Action. A copy of the Record of Final Agency Action will be made available to persons sponsoring the projects at issue and to any person submitting a written request. A copy of the draft priority lists may be obtained by contacting Gary Powell at the same address, phone (850)245-8358 or Suncom 205-8358 or e mail gary.powell@dep.state.fl.us.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Gary Powell at the address and phone number above. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

DEPARTMENT OF HEALTH

The **Board of Medicine** announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 7, 2007, 12:00 Noon

PLACE: Meet me telephone number: 1(888)808-6859, Conference Code: 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Gwyn Willis, (850)245-3532, Gwyn_Willis@doh.state.fl.us

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Florida Board of Medicine, (850)245-4131. If you

are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Medicine**, Expert Witness Committee, announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 7, 2007, Immediately following the Board of Medicine Telephone Conference Call meeting at 12:00 Noon

PLACE: Meet me Number (888)808-6959, Conference Code 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct general business of the Board.

A copy of the agenda may be obtained by contacting: Gwyn Willis, (850)245-4131, Gwyn_Willis@doh.state.fl.us

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Florida Board of Medicine, (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Medicine** – PCP South Panel announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, March 9, 2007, 2:00 p.m.

PLACE: Meet-Me-Number 1(888)808-6959; Conf. Code 2454131

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a private meeting to review cases for which a determination of probable cause is to be made and to conduct a public meeting to review cases on which probable cause has been made.

A copy of the agenda may be obtained by contacting: Florida Board of Medicine, (850)245-4131

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: The Florida Board of Medicine, (850)245-4131. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Board of Nursing**, North Probable Cause Panel announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 12, 2007, 5:30 p.m. – 8:30 p.m.

PLACE: Department of Health, Tallahassee at Meet Me Number 1(888)808-6959, Conference Code 2454640

GENERAL SUBJECT MATTER TO BE CONSIDERED: For cases previously heard by the panel.

A copy of the agenda may be obtained by contacting: Florida Board of Nursing, 4052 Bald Cypress Way, Bin #C02, Tallahassee, FL 32399-3257.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 48 days before the workshop/meeting. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

The **Board of Pharmacy**, Tripartite Committee, announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 12, 2007, 11:00 a.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from previous meeting, review status of Rule 64B16-26.6012 – Guideline for Board Ordered Disciplinary Courses and any other items deemed necessary.

A copy of the agenda may be obtained by contacting: The agenda will be on the website at www.doh.state.fl.us/mqa/pharmacy two weeks prior to call.

For more information, you may contact: Board of Pharmacy, 4052 Bald Cypress Way, C-04, Tallahassee, FL 32399, (850)245-4292.

The **Board of Pharmacy**, Professional Practice Committee, announces a telephone conference call to which all persons are invited.

DATE AND TIME: March 9, 2007, 1:00 p.m.

PLACE: Conference Call Number: 1(888)808-6959, Conference Code 5642037

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Committee will approve minutes from previous meeting, review status of Rules 64B16-27.700 – Office Use Compounding; 64B16-27.431 – Responsibilities of the Consultant Pharmacist; 64B16-28.450 – Centralized Prescription Filling; 64B16-28.130 – Transmisison of Prescription Orders; and 64B16-28.141 – Requirements for an Automated Pharmacy System in a Community Pharmacy; presentation by Wal-Mart on Automated Prescription Pick-up.

A copy of the agenda may be obtained by contacting: The agenda will be placed on the website at www.doh.state.fl.us/mqa/pharmacy two weeks prior to conference call.

For more information, you may contact: Board of Pharmacy, 4052 Bald Cypress Way, C-04, Tallahassee, FL 32399, (850)245-4292.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

The **Council on Homelessness** announces a series of conference call meetings of its Barriers and Support Services, Data Collections, Supportive Housing Development, and Executive Committees, to which all persons are invited.

COMMITTEE: Barriers & Support Services

DATE AND TIME: 1st Tuesday, March 6, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code 9229760

COMMITTEE: Data Collection

DATE AND TIME: 1st Wednesday, March 7, 2007, 10:00 a.m. – 11:00 a.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code 9229760

COMMITTEE: Planning/Executive

DATE AND TIME: 1st Monday, March 5, 2007, 3:00 p.m. – 4:00 p.m.

PLACE: Conference Call: (888)808-6959, Conference Code 9229760

COMMITTEE: Supportive Housing

DATES AND TIMES: 2nd Thursday, March 8, 2007, 2:00 p.m. – 3:00 p.m.

PLACE: Conference Call: 1(888)808-6959, Conference Code 9229760

GENERAL SUBJECT MATTER TO BE CONSIDERED: These conference calls will address the committees' continued development of policy recommendations and work tasks to address the Council's Strategic Plan to reduce the number of persons who may be facing homelessness in Florida.

A copy of the agenda for the conference calls may be obtained by contacting: Tom Pierce, State Office on Homelessness, 1317 Winewood Boulevard, Tallahassee, FL 32399-0700, (850)922-9850, Tom_Pierce@dcf.state.fl.us.

Pursuant to Section 286.26, Florida Statutes, any disabled person wishing to access this meeting who may be in need of special assistance should contact the Office on Homelessness (850)922-4691, at least 48 hours in advance of this meeting.

The Heart of Florida Community Alliance of the **Department of Children and Family Services**, District 14, announces the following public meeting to which all persons are invited.

Planning Meeting

DATE AND TIME: March 2, 2007, 1:00 p.m. – 2:00 p.m.

PLACE: Heartland for Children, 2nd Floor, 1239 E. Main Street, Bartow, FL 33831

For more information, please contact: Diane S. Dvorak, Community Relations, 4720 Old Hwy. 37, Lakeland, FL 33813, (863)619-4148.

SPECIAL ACCOMODATION: Any person requiring special accommodation for this meeting because of a disability or physical impairment should contact Diane S. Dvorak, (863)619-4148, at least five days prior to the meeting. If you are hearing or speech impaired, please contact the Agency using the Florida Dual Party Relay System 1(800)955-8770 (Voice) and 1(800)955-8771 (TDD).

FLORIDA HOUSING FINANCE CORPORATION

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: Tuesday, March 6, 2007, 10:00 a.m., Eastern Time; Wednesday, March 14, 2007, 2:00 p.m., Eastern Time

PLACE: Rick Seltzer Conference Room, Suite 6000, Florida Housing Finance Corporation, 227 North Bronough Street, Tallahassee, Florida 32301-1329

GENERAL SUBJECT MATTER TO BE CONSIDERED: To discuss the evaluations of the response(s) submitted for Florida Housing Finance Corporation's Request for Qualifications #2007-02 for Bond Counsel Services.

A copy of the agenda may be obtained by contacting: Robin Grantham, (850)488-4197 or robin.grantham@floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Robin Grantham, (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

The **Florida Housing Finance Corporation** announces a public meeting to which all persons are invited.

DATE AND TIME: March 16, 2007 – 9:00 a.m. until adjourned

PLACE: Hyatt Regency Miami, 400 S.E. 2nd Avenue, Miami, FL 33131

GENERAL SUBJECT MATTER TO BE CONSIDERED:

1. Consider financing and acknowledgement resolutions for various multifamily developments, under any multifamily program, including the ranking of developments.
2. Consider appointment of professionals including but not limited to trustee and/or originator/servicer for upcoming and/or past multifamily programs and single-family programs.
3. Consider approval of all bond documents for and terms of all upcoming single-family and multifamily bond sales, including those secured by third-party guarantors, letters-of-credit, insurance or other mechanisms.
4. Consider adopting resolutions authorizing negotiated or competitive sale of bonds on various single-family and multifamily issues.
5. Consider directing Staff to submit summaries of various TEFRA/Public Hearings to the Governor.
6. Consideration of policy issues concerning ongoing and upcoming single-family bond issues including initiation of request for proposals on an emergency basis, and structuring new issues.
7. Consideration of all necessary actions with regard to the Multifamily Bond Program.
8. Consideration of approval of underwriters for inclusion on approved master list and teams.
9. Consideration of all necessary actions with regard to the HOME Rental Program.
10. Consideration of all necessary actions with regard to the HC (Housing Credits) Program.
11. Consideration of all necessary actions with regard to the SAIL (State Apartment Incentive Loan) Program.
12. Consideration of all necessary actions with regard to the SHIP (State Housing Initiatives Partnership) Program.
13. Consideration of all necessary actions with regard to the PLP (Predevelopment Loan) Program.
14. Consideration of all necessary actions with regard to the Homeownership Programs.
15. Consideration of all necessary actions for initiating new rules or rule amendments on an emergency or non-emergency basis.

16. Consideration of Appeals from Universal Cycle ranking and grading with entry of final orders.
17. Consideration of workouts or modifications for existing projects funded by the Corporation.
18. Consideration of matters relating to the stated purpose of the Corporation to provide safe and sanitary housing that is affordable for the residents of Florida.
19. Consideration of funding additional reserves for the Guarantee Fund.
20. Consideration of audit issues.
21. Evaluation of professional and consultant performance.
22. Such other matters as may be included on the Agenda for the March 16, 2007, Board Meeting.

A copy of the agenda may be obtained by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197, or by visiting the Corporation's website at www.floridahousing.org.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting: Sheila Freaney, Board Liaison, Florida Housing Finance Corporation, 227 North Bronough Street, Suite 5000, Tallahassee, Florida 32301-1329, phone number (850)488-4197. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

FISH AND WILDLIFE CONSERVATION COMMISSION

The Florida **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, Boating and Waterways Section, announces the following public workshops concerning Rule 68D-24.109, F.A.C., Withlacoochee River Boating Restricted Area to which all interested parties are invited.

DATE AND TIME: Wednesday, March 28, 2007, 5:30 p.m. – 7:30 p.m.

PLACE: Citrus County Lecanto Government Building, 3600 West Sovereign Path, Room 166, Lecanto, Florida

DATE AND TIME: Thursday, March 29, 2007, 5:30 p.m. – 7:30 p.m.

PLACE: Southwest Florida Water Management District, 2379 Broad Street (US 41), Conference Room A-B, Brooksville, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The proposed changes to rules within this chapter are to: (1) correct and update locations of boating safety zones which are subject to flood status along the Withlacoochee River; (2) improve clarity and consistency of language and definitions; (3) remove or revise obsolete locations of zones; and (4) respond to requests for revisions received from stakeholders and from other governmental entities. The anticipated effects include the automatic regulation of areas along the Withlacoochee River when high water threatens to create hazards to navigation (i.e., submerged docks, stumps, etc.) homes, septic services, where possible. Other anticipated effects include the permanent installation of markers, which would provide year round boating safety information and during times of flooding would advise boaters of the required speed of vessel operation.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these workshops is asked to advise the agency at least five (5) calendar days before the meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The person to be contacted regarding the workshops: Ms. Tara Alford, Management Analyst, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399 or (850)410-0656, extension 17169.

The **Wildlife Foundation of Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: March 13, 2007, 2:00 p.m. – 6:00 p.m.

PLACE: 2nd Floor, Auditorium, Room 272, Bryant Building, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Wildlife Foundation of Florida will review and choose for funding 2007-08 Conserve Wildlife Tag Grants and Discover Florida Oceans Tag.

A copy of the agenda may be obtained by contacting: Ms. Lisa Robertson, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-3794.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Ms. Lisa Robertson, 620 South Meridian Street, Tallahassee, Florida 32399-1600, and (850)487-3794.

The Florida **Fish and Wildlife Conservation Commission, Division of Law Enforcement**, Boating and Waterways Section, announces the following public workshops concerning anchoring and mooring to which all interested parties are invited.

DATE AND TIME: Tuesday, March 13, 2007, 5:30 p.m. – 7:30 p.m.

PLACE: Hillsborough County Co. Center, 601 Kennedy East Boulevard, 2nd Floor, Tampa, Florida 33602

DATE AND TIME: Wednesday, March 14, 2007, 5:30 p.m. – 7:30 p.m.

PLACE: Lee Co. Board of County Commission Chambers, Old Lee County Courthouse, 2nd Floor, Chamber Room, 2120 Main Street, Ft. Myers, Florida 33901

DATE AND TIME: Tuesday, March 15, 2007, 5:30 p.m. – 7:30 p.m. (CST)

PLACE: City of Destin, City Hall, Annex, 4100 Two Trees Road, Destin, Florida 32541

DATE AND TIME: Wednesday, April 11, 2007, 5:30 p.m. – 7:30 p.m.

PLACE: St. Johns County Judicial Complex, Auditorium, 4020 Lewis Speedway, St. Augustine, Florida 32084

DATE AND TIME: Tuesday, May 1, 2007, 5:30 p.m. – 7:30 p.m.

PLACE: Blake Library, 2351 S. E. Monterey Road, Stuart, Florida 34996

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Florida Fish and Wildlife Conservation Commission is holding a series of workshops regarding anchoring and mooring issues. They will explore with local governments, stakeholders, and the boating public, potential solutions to issues surrounding the anchorage of vessels in state waters.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in these workshops is asked to advise the agency at least five (5) calendar days before the meeting by contacting: ADA Coordinator, (850)488-6411. If you are hearing or speech impaired, please contact the agency by calling (850)488-9542.

The person to be contacted regarding the workshops: Ms. Tara Alford, Management Analyst, Florida Fish and Wildlife Conservation Commission, Division of Law Enforcement, Boating and Waterways Section, 620 South Meridian Street, Room 235, Tallahassee, Florida 32399, (850)410-0656, extension 17169.

The **Wildlife Foundation of Florida** announces a public meeting to which all persons are invited.

DATE AND TIME: March 14, 2007, 8:00 a.m. – 2:00 p.m.

PLACE: Bryant Building, Ground Floor, Room G52, Tallahassee, Florida

GENERAL SUBJECT MATTER TO BE CONSIDERED: The Board of Directors of the Wildlife Foundation of Florida will conduct administrative business of the foundation including the Director update, Marketing update and Financial update.

A copy of the agenda may be obtained by contacting: Ms. Lisa Robertson, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-3794.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting the ADA Coordinator, at (850)488-6411. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact: Ms. Lisa Robertson, 620 South Meridian Street, Tallahassee, Florida 32399-1600, (850)487-3794.

CITIZENS PROPERTY INSURANCE

The **Citizens Property Insurance**, MAAC announces a public meeting to which all persons are invited.

DATE AND TIME: Wednesday, February 28, 2007, 1:00 p.m. – 3:00 p.m.

PLACE: Citizens CAT Operations Central Office, Jacksonville, FL

GENERAL SUBJECT MATTER TO BE CONSIDERED: Items of discussion include, but are not limited to, business before the committee.

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 5 days before the workshop/meeting by contacting Laura Miller at 1(800)807-7647, extension 3896. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

For more information, you may contact Laura Miller at 1(800)807-7647, extension 3896.

FLORIDA PATIENT SAFETY CORPORATION

The **Florida Patient Safety Corporation** announces Advisory Committee teleconference calls to which all persons are invited to participate.

HEALTH CARE PROVIDER ADVISORY COMMITTEE

DATE AND TIME: Tuesday, March 6, 2007, This call will be conducted from 12:00 Noon – 1:00 p.m.

LITIGATION ALTERNATIVES ADVISORY COMMITTEE

DATE AND TIME: Monday, March 5, 2007 and Monday, June 11, 2005; These calls will be conducted from 4:00 p.m. – 6:00 p.m.

CALL ACCESS: To access the calls, dial: 1(866)200-9760, Participant PIN 8938936# at the above date/time

For additional information contact: Florida Patient Safety Corporation, 2722 Waterford Glen Court, Tallahassee, Florida 32312, or call Susan Moore at (850)893-8936, or via e-mail at susan.a.moore@comcast.net.

FLORIDA COMPREHENSIVE HEALTH ASSOCIATION

The **Florida Comprehensive Health Association** created pursuant to Section 627.6488, Florida Statutes, as amended, announces a public meeting to which all interested persons are invited.

DATE AND TIME: Tuesday, March 6, 2007, 2:00 p.m.

PLACE: Department of Financial Services, 200 E. Gaines Street, Larson Building, Rm. 101B, Tallahassee, FL 32399

GENERAL SUBJECT MATTER TO BE CONSIDERED: Board of Directors' Meeting.

A copy of the proposed agenda may be obtained by writing to: Brenda DeYounks, Florida Comprehensive Health Association, 820 E. Park Avenue, D-200, Tallahassee, Florida 32301, (850)309-1200 or by facsimile (850)309-1222.

If any person desires to appeal any decision with respect to any matter considered at the above cited meeting, such person will need a record of the proceedings, and for such purpose, they may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

FLORIDA DEVELOPMENTAL DISABILITIES COUNCIL, INC.

The **Florida Developmental Disabilities Council, Inc.** announces it's regularly scheduled business meeting to which all interested persons are invited.

DATE AND TIME: March 8, 2007, 8:30 a.m. – 5:30 p.m.

PLACE: Embassy Suites Miami International Airport, 3974 Northwest South River Drive, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: Committee Meetings.

DATE AND TIME: Friday, March 9, 2007, 8:30 a.m. – 2:30 p.m.

PLACE: Embassy Suites Miami International Airport, 3974 Northwest South River Drive, Miami, Florida 33142

GENERAL SUBJECT MATTER TO BE CONSIDERED: Full Council Meeting.

Please Note: Meeting times are subject to change.

To receive a copy of the agenda, or request special accommodations for participation in the meeting, please contact: Debra Dowds, 124 Marriott Drive, Suite 203, Tallahassee, FL 32301-2981, or call toll free 1(800)580-7801, local (850)488-4180, or TDD toll free 1(888)488-8633.

THE ABLE TRUST

The **Able Trust** (Florida Endowment Foundation for Vocational Rehabilitation) will hold a Board Meeting to which all interested persons are invited.

DATE AND TIME: March 16, 2007, 9:00 a.m. – 12:00 Noon

PLACE: The Chesterfield Hotel, 363 Cocoanut Row, Palm Beach, Florida 33480, (561)659-5800.

GENERAL SUBJECT MATTER TO BE CONSIDERED: The purpose is to review/approve grants to assist persons with disabilities in securing employment and reviewing committee reports.

Please contact The Able Trust at 1(888)838-2253, by March 12, 2007, if you need additional information or accommodations.

FLORIDA SPORTS FOUNDATION

The **Florida Sports Foundation** announces its quarterly GRANT COMMITTEE meeting to which all persons are invited.

DATE AND TIME: Thursday, March 1, 2007, 9:00 a.m. – 10:30 a.m.

PLACE: Florida Sports Foundation, 2930 Kerry Forest Parkway, Suite 101, Tallahassee, FL 32309

CALL IN NUMBER: (888)808-6959 (toll free).
CONFERENCE CODE: 4888347

Please make note that if a person decides to appeal any decision made by the Golf Grant Committee with respect to any matter considered at the above-cited meeting or hearing, he/she will need to insure that a verbatim record of the proceedings is made, which recorded includes the testimony and evidence upon which appeal is to be based.

The **Florida Sports Foundation** announces its quarterly Board of Directors meeting to which all persons are invited.

DATE AND TIME: Friday, March 23, 2007, 8:00 a.m. – 4:00 p.m.

PLACE: Hyatt Regency Hotel, Orlando International Airport, Orlando, FL 32827, (407)825-1234

Please make note that if a person decides to appeal any decision made by the Board with respect to any matter considered at the above-cited meeting or hearing, he/she will

need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

COMMISSION ON MARRIAGE AND FAMILY SUPPORT INITIATIVES

The **Commission on Marriage and Family Support Initiatives** announces a public meeting to which all persons are invited.

EXECUTIVE COMMITTEE MEETING

DATE AND TIME: Wednesday, April 4, 2007, 8:30 a.m. – 9:30 a.m.

PROGRAM COMMITTEE

DATE AND TIME: Wednesday, April 4, 2007, 10:00 a.m. – 11:30 a.m.

POLICY COMMITTEE

DATE AND TIME: Thursday, March 5, 2007, 9:00 a.m. – 11:00 a.m.

RESOURCE DEVELOPMENT COMMITTEE

DATE AND TIME: Thursday, March 5, 2007, 11:00 a.m. – 12:30 p.m.

PUBLIC AWARENESS COMMITTEE

DATE AND TIME: Friday, April 20, 2007, 10:00 a.m. – 12:00 Noon

PLACE: All meetings will be held Via Conference Call, 111 North Gadsden Street, Suite 100, Tallahassee, Florida 32301

GENERAL SUBJECT MATTER TO BE CONSIDERED: Commission Business

For a copy of the agendas and more information about how to attend the meetings contact: Heidi Rodriguez at hrodriguez@ounce.org or (850)488-4952, ext. 135.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 7 days before the workshop/meeting by contacting: Heidi Rodriguez at hrodriguez@ounce.org or (850)488-4952, ext. 135. If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

Section VII
Notices of Petitions and Dispositions
Regarding Declaratory Statements

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

NOTICE IS HEREBY GIVEN THAT the Division of Florida Land Sales, Condominiums, and Mobile Homes, Department of Business and Professional Regulation, State of Florida, has issued an order disposing of the petition for declaratory statement filed by In Re: Petition for Declaratory Statement, Pine Lake Condominium Association, Inc.; Docket No. 2006055524 on September 22, 2006. The following is a summary of the agency's disposition of the petition:

The Division declares that PCLA Condominiums Association, Inc. may vote to opt-out of the fire sprinkler and other life safety system retro fit under Section 718.112(2)(1), Florida Statutes, but declines to determine if it may opt out of the installation of a fire alarm system under the fire safety code.

A copy of the Order Disposing of the Petition for Declaratory Statement may be obtained by contacting: the Division Clerk, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2217.

Please refer all comments to: Janis Sue Richardson, Chief Assistant General Counsel, Department of Business and Professional Regulation, Division of Florida Land Sales, Condominiums, and Mobile Homes, 1940 North Monroe Street, Tallahassee, Florida 32399-2202.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

Section VIII
Notices of Petitions and Dispositions
Regarding the Validity of Rules

Notice of Petition for Administrative Determination has been filed with the Division of Administrative Hearings on the following rules:

JM Auto, Inc., d/b/a/ JM Lexus vs. Department of Highway Safety and Motor Vehicles; Case No.: 07-0603RX; Rule No.: 15C-7.005

Florida Alliance for Construction Education, Inc., Lawrence E. Bennett, P.E., and AI Engineering, Inc. vs. Department of Business and Professional Regulation, Board of Professional Engineers; Case No.: 07-0643RP; Rule No.: 61G15-31.010

Florida Society of Anesthesiologists and The Florida Medical Association vs. Department of Health, Board of Nursing; Case No.: 07-0122RP; Rule No.: 64B9-17.001-.003

Stewart Title Guaranty Company vs. Office of Insurance Regulation and the Financial Services Commission; Case No.: 07-0077RP; Rule No.: 69O-186.013

City of Valparaiso vs. Department of Community Affairs; Case No.: 07-0123RU

Adam M. Harden vs. Tampa Port Authority; Case No.: 07-0369RU

Frank Scarlata, As Parent, Legal Guardian and Next Friend of Michele Scarlata, A Minor, and Gregory Scarlata, A Minor; Laurie Nickels; Joseph Nickels; Anthony Morris; Anthony Morris, Jr.; Meleah Morris; Tandra Blevins; Michael Blevins; ET AL. vs. Orange County School Board; Case No.: 07-0604RU

Notice of Disposition of Petition for Administrative Determination have been filed by the Division of Administrative Hearings on the following rules:

Florida Cable Telecommunications Association, Inc. vs. Public Service Commission and Florida Power and Light Company; Gulf Power Company; Progress Energy Florida, Inc.; and Tampa Electric Company; Florida Electric Cooperatives Association, Inc.; Case No.: 06-2733RP; Rule Nos.: 25-6.034, 25-6.0341, 25-6.0342, 25-6.064, 25-6.078, 25-6.115; Withdrawn

Sacred Heart Health System, Inc., d/b/a/ Sacred Heart Hospital on the Emerald Coast vs. Agency for Health Care Administration, and Fort Walton Beach Medical Center, Inc.; Case No.: 03-3345RP; Rule No.: 59A-3.255; Dismissed

Sydney T. Bacchus vs. Department of Business and Professional Regulation; Case No.: 06-4816RX; Rule No.: 61G16-9; Dismissed

Florida Psychiatric Society vs. Department of Health, Board of Medicine; Case No.: 06-2960RP; Rule No.: 64B8-9.015; Voluntarily Dismissed

The Florida Insurance Council, Inc.; The American Insurance Association; The Property Casualty Insurers Association of America; and The National Association of Mutual Insurance Companies vs. Office of Insurance Regulation and Financial Services Commission; Fair Isaac Corporation vs. Financial Services Commission and Office of Insurance Regulation; Case Nos.: 05-1012RP, 05-2803RP, 06-2036RU; Rule No.: 69O-125.005; Dismissed

City of Valparaiso vs. Department of Community Affairs; Case No.: 07-0123RU; Dismissed

Jim Harris and Harris Eckland and Associates, Inc. vs. Department of Financial Services; Case No.: 06-3259RU; Dismissed

Capital Collateral Regional Counsel-Middle Region and John W. Jennings, Capital Collateral Regional Counsel vs. Department of Financial Services; Case No.: 06-3537RU; Invalid

Florida Hometown Democracy, Inc. vs. Department of State; Case No.: 06-3968RU; Dismissed

Frank M. Bafford vs. Florida Housing Finance Corporation; Case No.: 06-4724RU; Dismissed

Frank M. Bafford vs. Florida Housing Finance Corporation; Case No.: 06-4773RU; Dismissed

Frank M. Bafford vs. Florida Commission on Human Relations; Case No.: 06-4802RU; Dismissed

John Knox Village of Florida, Inc. vs. Office of Insurance Regulation; Case No.: 06-4957RU; Voluntarily Dismissed

Jostens, Inc. vs. Palm Beach County School Board; Case No.: 05-3355RX; Dismissed

Section IX
Notices of Petitions and Dispositions
Regarding Non-rule Policy Challenges

NONE

Section X
Announcements and Objection Reports of
the Joint Administrative Procedures
Committee

NONE

Section XI
Notices Regarding Bids, Proposals and
Purchasing

DEPARTMENT OF EDUCATION

NOTICE TO CONSTRUCTION MANAGERS

The University of South Florida announces Construction Management Services will be required for the project listed below:

PROJECT NO: 550

PROJECT AND LOCATION: Visual and Performing Arts Teaching Facility, University of South Florida, Tampa Campus, Tampa, Florida

PROJECT DESCRIPTION: The Visual and Performing Arts Teaching Facility, consists of the design and construction of a new facility to accommodate the School of Music program needs for the University. The project consists of the construction of a new, approximately 127,000 GSF facility consisting of classroom, studio, ensemble, rehearsal, practice, performance, office, study and support spaces for the School of Music, College of Visual and Performing Arts. The estimated construction budget for this project is anticipated to be approximately \$37,600,000 including site related work. The project also includes the design of a concert hall of approximately 47,107 GSF based upon available funds and subject to additional funds for incorporation into this contract.

The University is seeking to hire a Construction Management team with extensive experience in School of Music and Concert Performance Hall construction. The contract for Construction Management Services shall consist of a pre-construction services phase and a construction phase. The

pre-construction services phase, for which the Construction Manager will be paid a fixed fee, will include value engineering, constructability analyses, development of cost models, estimating, and the development of a Guaranteed Maximum Price (GMP) at the 50% Construction Document phase. If the GMP is accepted, the Construction Phase will be implemented. Early bid packages for fast track and multi-phase development may be required to meet project goals. In the Construction Phase of the contract, the Construction Manager becomes the single point of responsibility for performance of the construction of the project and shall publicly bid trade contracts. Failure to negotiate an acceptable fixed fee for Phase 1 of the contract, or to arrive at an acceptable GMP within the time provided in the agreement, may result in the termination of the Construction Manager's contract. It is the University's responsibility to negotiate a fair, competitive, and reasonable compensation for pre-construction services and overhead and profit fees for the project. A fair, competitive and reasonable compensation shall be evaluated based upon the following information: (1) Compensation on similar projects, (2) other compensation reference data; and (3) after approval of the ranking, proposals requested from the short listed firms based upon a scope of services document to be provided at the time of negotiations. Selection of finalists for interviews will be made on the basis of Construction Manager qualifications including applicant's experience, applicant's personnel, applicant's ability to provide service, (record-keeping/administrative ability, recording of as-built conditions, critical path scheduling expertise, conceptual cost estimating and cost control ability, quality control capability, etc.) and the applicant's license, bondability and insurability. As part of the University of South Florida's strategic plan, USF made a commitment to foster a diverse community distinguished by a shared purpose, collaboration, open and timely communication, mutual respect, trust, and inclusiveness. The University of South Florida is an equal opportunity institution, and, as such, strongly encourages the lawful use of certified Minority and Women-owned Business Enterprises ("MBEs") in the provision of design and construction-related services by providing a fair and equal opportunity to compete for, or for participation in, design and/or construction-related services. Finalists will be provided with a draft copy of the building program and the latest documentation prepared by the project Architect/Engineer, a description of the final interview requirements, and a copy of the standard University of South Florida Construction Management Agreement. The Construction Manager shall have no ownership, entrepreneurial, or financial affiliation with the selected Architect/Engineer involved with this project. INSTRUCTIONS: Firms desiring to provide Construction Management services for the project shall submit a letter of interest and a completed "USF Construction Manager Qualifications Supplement, dated February 2007" with attachments and additional information required. Proposals

must not exceed sixty (60) pages, including the Construction Manager Qualifications Supplement, letter of interest, attachments and additional information. Pages must be numbered consecutively. Submittals that do not comply with these requirements or do not include the requested information may not be considered. Submittals are part of the public record and no submittal material will be returned. All applicants must be licensed to practice as general contractors in the State of Florida at the time of application. Corporations must be registered to operate in the State of Florida by the Department of State, Division of Corporations, at the time of application. As required by Section 287.133, Florida Statutes, a Construction Management firm may not submit a proposal for this project if it is on the convicted vendor list for a public entity crime committed within the past 36 months. The selected Construction Management firm must warrant that it will neither utilize the services of, nor contract with, any supplier, subcontractor, or consultant in excess of \$25,000.00 in connection with this project for a period of 36 months from the date of placement on the convicted vendor list. The University of South Florida Construction Manager Qualifications Supplement Form, dated February 2007 and the Project Fact Sheet may be obtained by contacting: Ms. Kathy Bennett, Contracts Coordinator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, via e-mail at kbennett@admin.usf.edu, or phone (813)974-3098, (813)974-2625 or Fax (813)974-3542.

Interested firms are invited to attend a Pre-Submittal Meeting at the University of South Florida, Tampa Campus, to be held at 3pm Eastern Time, on Thursday, March 8, 2007 in Theatre II (THR Building), 4202 East Fowler Avenue, Tampa, Florida, to review the scope and requirements of this project. All interested firms are encouraged to attend. Requests for meetings by individual firms will not be granted. It shall be noted that no verbal communication shall take place between the applicants, and the University of South Florida, except as provided at the Pre-Submittal Meeting, the Pre-Interview Meeting and the request for project information (the CMQS and Fact Sheet) and clarifications. Requests for any project information must be in writing to Ms. Kathy Bennett, Contracts Coordinator, Facilities Planning and Construction, University of South Florida, 4202 East Fowler Avenue, FPC110, Tampa, Florida 33620-7550, via e-mail at kbennett@admin.usf.edu, or phone (813)974-3098, (813)974-2625 or Fax (813)974-3542. Seven (7) copies of the above requested data, bound in the order listed shall be addressed to: Ray Gonzalez, Architect, Facilities Planning and Construction, FPC110, University of South Florida, 4202 East Fowler Avenue, Tampa, Florida 33620-7550. Submittals must be received at the above campus address by 2:00 p.m., Eastern Time, on Friday, March 23, 2007. Facsimile (FAX) or electronic submittals are not acceptable and will not be considered. The University reserves the right to suspend or

discontinue the selection process at any time and to return or reject any or all submissions of Construction Manager proposals without obligation to the respondent. The award of this contract is subject to availability of funds. If additional funding is realized, the University has the option to incorporate additional scope/funding under this contract.

CALL FOR BIDS

The University of West Florida Board of Trustees is soliciting sealed bids for the following:

06ITB-14RH BUILDINGS 19 and 38 ROOF RENOVATIONS

A Mandatory Pre-Solicitation Conference will be held on Tuesday, March 6, 2007, 1:00 p.m., CST, in Building 8, Room 117, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

All bidders are required to attend the pre-solicitation conference. Potential subcontractors are invited to attend to become familiar with the project specifications and to become acquainted with contractors who may bid the project.

Sealed bids will be received until 2:00 p.m. CDT, March 27, 2007 at the Department of Procurement Services, Bldg. 8, Room 102, The University of West Florida, 11000 University Parkway, Pensacola, FL 32514.

Bid number 06ITB-14RH must be marked on outside of bid package. The University will not be responsible for unopened bid packages at the bid opening when the package is not properly identified. Bids must be submitted in full and in accordance with the requirements of all terms and conditions of the Invitation to Bid.

View this solicitation and related information on the Department of Procurement Services' website at <http://uwf.eduprocurement>.

A CD containing plans and specifications may be obtained from The Department of Procurement Services at The University of West Florida. Please contact: Richard Hinton, rhinton@uwf.edu or (850)474-2631 to arrange pick up.

DEPARTMENT OF TRANSPORTATION

Notice of Bid/Request for Proposal

The Florida Department of Transportation, District 5 is soliciting bids for Building Renovations and Modifications, described below. Sealed bids will be accepted until 2:00 p.m. (local time), Monday, March 26, 2007 at: Florida Department of Transportation, District Five Office, 719 S. Woodland Boulevard, DeLand, Florida 32720, District Contracts Office, 4th Floor, Room 4C32. Mailed bids, regular or overnight, must be received in the District Five mailroom by the 2:00 p.m. deadline. Address mailed Packages: "Sealed Bid, MS522P, Attention: Vickie Wyche." Bids will be publicly opened and read aloud on:

DATE AND TIME: Monday, March 26, 2007, shortly after the 2:00 p.m. deadline

PLACE: Florida Department of Transportation, District Five Office, 719 S. Woodland Boulevard, DeLand, Florida 32720

State Project Number: 413778-2-52-01; Contract Number: E-5L03

Work under this contract consists of the following: Renovations and Modifications to the existing Pre-Engineered metal building at the Florida Department of Transportation, Oviedo Maintenance Complex, 2400 Camp Road, Oviedo, FL 32765. The project consists of constructing interior walls in order to create a Conference/Training room, Men's and Women's Rest room facilities, Break Room, File Storage Room and an Office. Work includes associated Electrical, Plumbing and HVAC additions and upgrades to accommodate the renovations.

A PRE-BID CONFERENCE is scheduled for Tuesday, March 13, 2007, 10:00 a.m. (local time), at the Oviedo Maintenance Complex, 2400 Camp Road, Oviedo, FL 32765. Contractors are encouraged to attend and meet with agency representatives who will discuss the Plans, Specifications, and Contract Documents for this project.

PREQUALIFICATION: Each bidder shall submit with the bid a copy of their current General or Building Contractors License issued by the State of Florida and, if a Florida Corporation, a copy of their Corporate Charter as pre-qualification to submit a bid. After the bid opening, the Department will verify that the lowest responsible bidder meets qualifications in accordance with Rule 60D-5.004, F.A.C.

PLANS AND SPECIFICATIONS/BID DOCUMENTS: All orders for Plans and Specifications must be submitted on the Departments Fax Order Form and is available at the District Contracts Web-site <http://www.dot.state.fl.us/contracts/administration/district5> or by contacting Vickie Wyche, District Contracts Office, 719 S. Woodland Boulevard, DeLand, Florida 32720, (386)943-5525.

Requirements for project:

1. **MINORITY PROGRAM:** The Department encourages the recruitment and utilization of certified and non-certified minority businesses. The Department, its contractors, suppliers, and consultants should take all necessary and reasonable steps to ensure that minority businesses have an opportunity to compete for and perform contract work for the Department in a nondiscriminatory environment.
2. **BID BOND:** If the bid on a project exceeds \$100,000, the bidder must provide with their bid, a good faith deposit in the amount of five percent (5%) of the bid. This may be accomplished by way of a bid bond from a surety insurer authorized to do business in this State as surety, a certified check made payable to Florida Department of Transportation, a cashier's check, treasurer's check or bank draft of any national or state bank. A bid bond, check or

draft in an amount less than five per cent (5%) of the actual bid will invalidate the bid. Bid bonds shall conform to the (Exhibit) furnished with the proposal forms.

3. **PERFORMANCE AND LABOR AND MATERIAL PAYMENT BOND:** If the contract award amount exceeds \$100,000, a Performance Bond and Labor and Material Payment Bond for the full amount will be required.
4. **BID POSTING:** Unless otherwise notified in writing, the Summary of Bids and Notice of Intent to award will be posted on Tuesday, March 27, 2007, 8:00 a.m., in the Main Lobby of the DeLand District Office, 719 S. Woodland Boulevard, DeLand, Florida. In the event that the Summary of Bids and Notice of Intent to award cannot be posted on this date, all bidders will be notified by certified United States mail or express delivery, return receipt requested or by fax transmission, receipt acknowledged. Information concerning posting may be obtained by calling the District Contracts Office at (386)943-5525.
5. **BID SOLICITATION/AWARD/NON-AWARD PROTEST RIGHTS:** A notice of protest of the terms, conditions, and specifications of this Bid Solicitation shall be filed in writing within 72 hours of receipt of the bid documents. Any person adversely affected by the intended decision of the Department to award a contract or to reject all bids shall file a notice of protest within 72 hours after the posting of the notice of decision or intended decision. If notice of intended decision is given by certified mail or express delivery, the adversely affected person must file the notice of protest within 72 hours after receipt of the notice of intent. A formal written protest must be filed within ten days after filing the notice of protest. The formal written protest shall state with particularity the facts and law upon which the protest is based. All protests must be submitted in accordance with Section 120.57(3), Florida Statutes, and Chapter 28-110, Florida Administrative Code. The required notice of protest and formal protest must each be timely filed with the Clerk of Agency Proceedings, Florida Department of Transportation, 605 Suwannee Street, Mail Station 58, Tallahassee, Florida 32399-0458. Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

The Department reserves the right to reject any or all bids.

BOARD OF TRUSTEES OF THE INTERNAL IMPROVEMENT TRUST FUND

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

STATE BOARD OF ADMINISTRATION OF FLORIDA

Invitation to Negotiate

The State Board of Administration of Florida (SBA) is soliciting competitive responses from parties interested in offering financial advisory services to the Florida Hurricane Catastrophe Fund (FHCF). The Invitation to Negotiate (ITN) will be available on March 1, 2007, and may be obtained from the FHCF web site at www.sbafla.com/fhcf under "What's New." The deadline for submitting responses is 4:00 p.m. ET on March 23, 2007. A meeting will be held on March 30, 2007, to discuss and evaluate the responses received. Oral presentations, if conducted, will be held April 4-5, 2007, and on-site reviews, if conducted, will take place April 11-12, 2007. On April 19, 2007, a meeting will be held to select a vendor to provide financial advisory services to the FHCF pending successful contract negotiations. The SBA reserves the right to reject any or all competitive proposals and to cancel any ITNs.

All meetings are open to the public and shall take place at the times and locations shown below:

TIME: All meetings shall begin at 9:00 a.m. ET and continue until the meeting is concluded.

PLACE: All meetings shall take place in Room 116, Hermitage Centre, 1801 Hermitage Blvd., Tallahassee, Florida 32308.

Any person requiring special accommodations to participate in any meeting is asked to advise: Donna Sirmons, State Board of Administration, P.O. Box 13300, Tallahassee, FL 32317-3300; telephone (850)413-1349 at least five (5) calendar days before the meeting.

DEPARTMENT OF MANAGEMENT SERVICES

PUBLIC ANNOUNCEMENT FOR CONSTRUCTION CONTRACTORS TO PROVIDE CONSTRUCTION MANAGEMENT AT RISK SERVICES

REQUEST FOR QUALIFICATIONS (RFQ): The Department of Management Services, Division of Real Estate Development and Management, request qualifications for licensed general contractors, to submit for Construction Management at Risk services on the following project:

PROJECT NUMBER: DJJ-22002000 (for The Department of Juvenile Justice)

PROJECT NAME: ICARE Bay Point Schools Classrooms & Dayrooms, Dade County

BUDGET: Exceeding \$3,000,000.00 (Note: Current funding expires September 30, 2007 and efforts are underway to extend grant funding and supplement with additional appropriation. Please refer to the full legal advertisement for additional project information.)

The award will be made in accordance with Section 255.29, F.S., and the procedures and criteria of the Departments Division of Real Estate Development and Management For details please visit the Department's website listed below and

click on "Search Advertisement – Division of Real Estate Development and Management," http://fcn.state.fl.us/owa_vbs/owa/vbs_www.main_menu

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF INVITATION TO BID BID NO. BDC56-06/07

The Department of Environmental Protection, Division of Recreation and Parks, Bureau of Design and Construction is soliciting formal competitive bids for the project listed below:

PROJECT NAME: Eden Gardens State Park – Historic Wesley House Re-Roof

SCOPE OF WORK: The contractor shall provide the necessary labor, supervision, equipment and materials required to re-roof the Historic Wesley House.

PARK LOCATION: Eden Gardens State Park, Off U.S. 98 on CR 395, End of Gilmore Road

PROJECT MANAGER: Kimsey Helms, Bureau of Design and Construction, Telephone Number: (850)488-5372 Fax Number: (850)488-3537

MINORITY BUSINESS REQUIREMENT: The Department of Environmental Protection supports diversity in its Procurement Program and requests that all sub-contracting opportunities afforded by this bid embrace diversity enthusiastically. The award of sub-contracts should reflect the full diversity of the citizens of the State of Florida. The Department will be glad to furnish a list of Minority Owned Firms that could be offered sub-contracting opportunities.

PREQUALIFICATION: When the total bid price including alternates exceeds \$200,000.00, each bidder whose field is governed by Chapter 399, 489, and 633 of the Florida Statutes for licensure or certification must submit prequalification data of their eligibility prior to the bid closing date.

INSTRUCTIONS: Any firm desiring plans and bid specifications for this project may obtain a copy by writing the address or calling the telephone number below. Plans and specifications will be available on Friday, February 23, 2007 at: Eden Gardens State Park, 181 Eden Gardens Road, Santa Rosa Beach, FL 32459, Attention: Dan Blanner, Telephone Number: (850)233-5058.

ADA REQUIREMENTS: Any person with a qualified disability shall not be denied equal access and effective communication regarding any bid/proposal documents or the attendance at any related meeting or bid/proposal opening. If accommodations are needed because of disability, please contact Michael Renard with the Bureau of Design and Construction, (850)488-5372, at least five (5) workdays prior

to openings. If you are hearing or speech impaired, please contact the Florida Relay Services by calling 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

BID SUBMITTAL DUE DATE: No later than 2:00 (EDST) p.m., Tuesday, March 20, 2007, to the below address: Florida Department of Environmental Protection Bureau of Design and Construction, 3540 Thomasville Road, Tallahassee, Florida 32309. The Department reserves the right to reject any or all bids. Michael Renard, Construction Projects Administrator 2, Bureau of Design and Construction.

FISH AND WILDLIFE CONSERVATION COMMISSION

NOTICE TO PROFESSIONAL CONSULTANTS

FOR PROFESSIONAL SERVICES FOR ENGINEERING

The Florida Fish and Wildlife Conservation Commission announces that professional services in the disciplines of civil and geotechnical engineering with specific expertise in the design of upland confined disposal areas for hydraulically dredged material will be required for the project listed below.

PROJECT NUMBER: FWC RFSOQ 06/07-62

PROJECT NAME: Lake Rowell Aquatic Enhancement Project

PROJECT LOCATION: Bradford County, Florida

SERVICES TO BE PROVIDED: The Design Professional is expected to schedule services and design phases (preliminary and final design), request additional services (such as soil borings, surveys, testing, permits, etc...) leading to a design solution with adequate documentation.

RESPONSE DUE DATE: March 23, 2007, 3:00 p.m. (EST)

To request a complete Request For Statement Of Qualifications, download from the Vendor Bid System (VBS) web site or contact the Commission Engineer:

Mahmoud Madkour, Ph.D., P.E.

Division of Habitat and Species Conservation

620 South Meridian Street

Tallahassee, Florida 32399-1600

Tel: (850)488-5531

Fax: (850)921-1750

email: mahmoud.madkour@myfwc.com

NOTICE TO PROFESSIONAL CONSULTANTS

FOR PROFESSIONAL SERVICES FOR ENGINEERING

The Florida Fish and Wildlife Conservation Commission (FWC) announce that professional services in the discipline of civil engineering with specific expertise in hydrology will be required for the project listed below.

PROJECT NUMBER: FWC RFSOQ 06/07-74

PROJECT NAME: Hydrologic Restoration of the Moody Branch

PROJECT LOCATION: Mitigation Park, Manatee County, Florida

SERVICES TO BE PROVIDED: The Design Professional is expected to schedule services and design phases (preliminary and final design), request additional services (such as soil borings, surveys, testing, permits, etc...) leading to a design solution with adequate documentation.

RESPONSE DUE DATE: March 23, 2007, 3:00 p.m. (EST)
To request a complete Request For Statement Of Qualifications, download from the Vendor Bid System (VBS) web site or contact the Commission Engineer:

Mahmoud Madkour, Ph.D., P.E.
Division of Habitat and Species Conservation
620 South Meridian Street
Tallahassee, Florida 32399-1600
Tel: (850)488-5531
Fax: (850)921-1750
email: mahmoud.madkour@myfwc.com

CHARLOTTE COUNTY AIRPORT AUTHORITY

**NOTICE TO BID/REQUEST FOR PROPOSAL
NOTICE TO PROFESSIONAL CONSULTANTS**

PURPOSE: In accordance with Section 287.055 of the Florida Statutes (Competitive Negotiation Act) and FAA Advisory Circular 150/5100-14C, the Charlotte County Airport Authority requests that qualified consultants submit letters of interest and qualifications for consideration in the selection for specific consulting services required of the Charlotte County Airport.

DESCRIPTION: Continuing services will include, but are not limited to, the following: design Instrument Landing System (ILS), grant application assistance, land acquisition assistance, surveying, subsurface investigation, design and construction observation, resident inspection, environmental evaluations including assessments, impact statements, and permitting assistance associated with the ILS.

MINIMUM QUALIFICATIONS: Both the Consulting Firm and the designated Program Manager shall have airports experience. Selection shall be weighed using a matrix of the experience of the Consulting Firm and the designated Program Manager and other personnel assigned to the Airport's projects. Furnishing the Program Manager designated in the proposal shall be a condition for the award of a consulting agreement. Indicate the location of the Program Manager and the office where work will be done.

SELECTION: Applicant submittals will be evaluated, reviewed and rated using a matrix to consider the proposal packages, FDOT experience, FAA experience, Southwest Florida Water Management District experience and years of experience with Florida Airports. A "short list" will be

developed, based on information submitted and qualifying factors stated above and in the Competitive Negotiations Act (Section 287.055, F.S.), consisting of the applicants deemed most qualified. The applicants named on the short-list may be invited to make a presentation or otherwise interviewed prior to final selection.

EQUAL OPPORTUNITY: The Charlotte County Airport Authority hereby notifies all applicants that it will require that affirmative efforts be made to ensure disadvantaged business (DBE) participation in any contract for consultant services entered into pursuant to this advertisement. DBE firms will be afforded full opportunity to submit proposals in response to the invitation and will not be discriminated against on the grounds of race, color, sex or national origin in consideration for selection.

Any consultant selected shall comply with Equal Employment Opportunity requirements of 41 CFR Part 60, and with the Civil Rights Act of 1964 (49 CFR Part 21).

RESPOND: Qualified firms desiring consideration should submit five (5) copies of Standard Forms 254 and 255, and a letter of interest stating relevant qualifications and experience of both firm and staff, including resume of Program Manager to be involved in the work to:

James Parish, Assistant Executive Director
Charlotte County Airport Authority
28000 Airport Road
Punta Gorda, FL 33982

Responses limited to twenty (20) 8 1/2" x 11" inch pages, with minimum type size of 12 pitch excluding the SF 254/255.

TO BE CONSIDERED, SUBMITTALS MUST BE RECEIVED NO LATER THAN MARCH 15, 2007, 2:00 p.m.
Kathleen Coppola, Chair

**Section XII
Miscellaneous**

DEPARTMENT OF STATE

The Division of Historical Resources announces that it will solicit applications for Special Category grants-in-aid assistance for historic preservation projects from April 1, 2007 to May 31, 2007.

The deadline for filing applications is May 31, 2007 and applications must be delivered to the Bureau of Historic Preservation office by 5:00 p.m. that day, or be clearly postmarked or show evidence of submission to an express mail service on or before that date.

Applications will be reviewed in a public meeting of the Florida Historical Commission September 25-27, 2007, from 9:00 a.m. to 5:00 p.m. in the R. A. Gray Building, Heritage Hall (Auditorium), 500 South Bronough Street, Tallahassee, Florida.

Please note that some changes may be made to our application. These changes will be posted and take effect April 1, 2007. Further information may be accessed online at <http://www.flheritage.com/grants/special/>, by writing to: Preservation Services/Grants-in-Aid Program, Bureau of Historic Preservation, R. A. Gray Building, 500 South Bronough Street, 4th Floor, Tallahassee, Florida 32399-0250 or by calling 1(800)847-7278.

DEPARTMENT OF EDUCATION

K12 Public Schools

Bureau of Exceptional Education and Student Services

The Individuals with Disabilities Education Improvement Act (IDEA 2004) (34 CFR Sections 300.148 and 300.280-300.284) requires that the state make available to the public The Annual State Application under Part B of the Individuals with Disabilities Education Act as Amended in 2004 for Federal Fiscal Year 2007 (Part B Application) for a period of 60 days, and accept comments for a period of 30 days. The Part B Application will be available to the public on the Florida Department of Education, Bureau of Exceptional Education and Student Services website from February 23, 2007 until April 23, 2007 at: <http://www.firn.edu/doe/commhome/index>, Topics of Special Interest. Comments will be accepted between February 23, 2007 and March 24, 2007. Comments may be sent to Eileen L. Amy, Administrator, ESE Program Administration and Quality Assurance, 325 West Gaines Street, Suite 614, Tallahassee, Florida 32399, by phone at 850-245-0476, or via e-mail at: Eileen.Amy@fldoe.org. Copies may be obtained by contacting Ms. Amy at the listed address or e-mail.

DEPARTMENT OF COMMUNITY AFFAIRS

DCA Final Order No.: DCA07-OR-024

STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

In re: LAND DEVELOPMENT

REGULATIONS ADOPTED BY

CITY OF KEY WEST ORDINANCE NO. 06-24

FINAL ORDER

The Department of Community Affairs (the "Department") hereby issues its Final Order, pursuant to §§ 380.05(6) and (11), Fla. Stat., (2006), approving a land

development regulation adopted by a local government within the City of Key West Area of Critical State Concern as set forth below.

FINDINGS OF FACT

1. The City of Key West is a designated area of critical state concern.
2. On December 28, 2006 the Department received for review City of Key West Ordinance No. 06-24, which was adopted by the City of Key West City Commission on December 5, 2006 ("Ord. 06-24"). Ord. 06-24 amends Sections 90-431 and 90-432 of the Code of Ordinances in order to clarify the administrative appeal process with regard to administrative appeal process with regard to administrative decisions by the city planner; the time frames for a viable appeal and the role of the City Clerk in the process.
3. Ord. 06-24 is consistent with the City's Comprehensive Plan.

CONCLUSIONS OF LAW

4. The Department is required to approve or reject land development regulations that are adopted by any local government in an area of critical state concern based upon consistency with the Principles for Guiding Development applicable to that area of critical state concern. §§ 380.05(6) and 380.05(11), Fla. Stat., (2006).
5. The City of Key West is an Area of Critical State Concern. § 380.05, Fla. Stat. (2006) and Rule 28-36.001, Fla. Admin. Code.
6. "Land development regulations" include local zoning, subdivision, building, and other regulations controlling the development of land. § 380.031(8), Fla. Stat. (2006). The regulations adopted by Ord. 06-24 are land development regulations.
7. All land development regulations enacted, amended, or rescinded within an area of critical state concern must be consistent with the principles for guiding development for the particular area (the "Principles"). § 380.05(6), Fla. Stat.; see *Rathkamp v. Department of Community Affairs*, 21 F.A.L.R. 1902 (Dec. 4, 1998), *aff'd.*, 740 So. 2d 1209 (Fla. 3d DCA 1999). The Principles for the City of Key West Area of Critical State Concern are set forth in Rule 28-36.003(1), Fla. Admin. Code.
8. Ord. 06-24 promotes and furthers the following Principles in Rule 28-36.003(1):
 - (a) To strengthen local government capabilities for managing land use and development so that local government is able to achieve these objectives without the continuation of the area of critical state concern designation.
 - (h) To protect the value, efficiency, cost effectiveness, and amortized life of existing and proposed major public investments.

9. Ord. 06-24 is not inconsistent with the remaining Principles. Ord. 06-24 is consistent with the Principles for Guiding Development as a whole.

WHEREFORE, IT IS ORDERED that Ord. 06-24 is found to be consistent with the Principles for Guiding Development of the City of Key West Area of Critical State Concern, and is hereby APPROVED.

This Order becomes effective 21 days after publication in the Florida Administrative Weekly unless a petition is filed as described below.

DONE AND ORDERED in Tallahassee, Florida.

THOMAS G. PELHAM, Secretary
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

NOTICE OF ADMINISTRATIVE RIGHTS

ANY PERSON WHOSE SUBSTANTIAL INTERESTS ARE AFFECTED BY THIS ORDER HAS THE OPPORTUNITY FOR AN ADMINISTRATIVE PROCEEDING PURSUANT TO SECTION 120.569, FLORIDA STATUTES, REGARDING THE AGENCY'S ACTION. DEPENDING UPON WHETHER YOU ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT IN YOUR PETITION REQUESTING AN ADMINISTRATIVE PROCEEDING, YOU ARE ENTITLED TO EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING.

IF YOUR PETITION FOR HEARING DOES NOT ALLEGE ANY DISPUTED ISSUE OF MATERIAL FACT CONTAINED IN THE DEPARTMENT'S ACTION, THEN THE ADMINISTRATIVE PROCEEDING WILL BE AN INFORMAL ONE, CONDUCTED PURSUANT TO SECTIONS 120.569 AND 120.57(2), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND III, FLORIDA ADMINISTRATIVE CODE. IN AN INFORMAL ADMINISTRATIVE PROCEEDING, YOU MAY BE REPRESENTED BY COUNSEL OR BY A QUALIFIED REPRESENTATIVE, AND YOU MAY PRESENT WRITTEN OR ORAL EVIDENCE IN OPPOSITION TO THE DEPARTMENT'S ACTION OR REFUSAL TO ACT; OR YOU MAY EXERCISE THE OPTION TO PRESENT A WRITTEN STATEMENT CHALLENGING THE GROUNDS UPON WHICH THE DEPARTMENT HAS CHOSEN TO JUSTIFY ITS ACTION OR INACTION.

IF YOU DISPUTE ANY ISSUE OF MATERIAL FACT STATED IN THE AGENCY ACTION, THEN YOU MAY FILE A PETITION REQUESTING A FORMAL ADMINISTRATIVE HEARING BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DIVISION OF

ADMINISTRATIVE HEARINGS, PURSUANT TO SECTIONS 120.569 AND 120.57(1), FLORIDA STATUTES, AND CHAPTER 28-106, PARTS I AND II, FLORIDA ADMINISTRATIVE CODE. AT A FORMAL ADMINISTRATIVE HEARING, YOU MAY BE REPRESENTED BY COUNSEL OR OTHER QUALIFIED REPRESENTATIVE, AND YOU WILL HAVE THE OPPORTUNITY TO PRESENT EVIDENCE AND ARGUMENT ON ALL THE ISSUES INVOLVED, TO CONDUCT CROSS-EXAMINATION AND SUBMIT REBUTTAL EVIDENCE, TO SUBMIT PROPOSED FINDINGS OF FACT AND ORDERS, AND TO FILE EXCEPTIONS TO ANY RECOMMENDED ORDER.

IF YOU DESIRE EITHER AN INFORMAL PROCEEDING OR A FORMAL HEARING, YOU MUST FILE WITH THE AGENCY CLERK OF THE DEPARTMENT OF COMMUNITY AFFAIRS A WRITTEN PLEADING ENTITLED, "PETITION FOR ADMINISTRATIVE PROCEEDINGS" WITHIN 21 CALENDAR DAYS OF PUBLICATION OF THIS NOTICE. A PETITION IS FILED WHEN IT IS RECEIVED BY THE AGENCY CLERK, IN THE DEPARTMENT'S OFFICE OF GENERAL COUNSEL, 2555 SHUMARD OAK BOULEVARD, TALLAHASSEE, FLORIDA 32399-2100.

THE PETITION MUST MEET THE FILING REQUIREMENTS IN SUBSECTION 28-106.104(2), FLORIDA ADMINISTRATIVE CODE. IF AN INFORMAL PROCEEDING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH RULE 28-106.301, FLORIDA ADMINISTRATIVE CODE. IF A FORMAL HEARING IS REQUESTED, THEN THE PETITION SHALL BE SUBMITTED IN ACCORDANCE WITH SUBSECTION 28-106.201(2), FLORIDA ADMINISTRATIVE CODE.

A PERSON WHO HAS FILED A PETITION MAY REQUEST MEDIATION. A REQUEST FOR MEDIATION MUST INCLUDE THE INFORMATION REQUIRED BY RULE 28-106.402, FLORIDA ADMINISTRATIVE CODE. CHOOSING MEDIATION DOES NOT AFFECT THE RIGHT TO AN ADMINISTRATIVE HEARING.

YOU WAIVE THE RIGHT TO AN INFORMAL ADMINISTRATIVE PROCEEDING OR A FORMAL HEARING IF YOU DO NOT FILE A PETITION WITH THE AGENCY CLERK WITHIN 21 DAYS OF PUBLICATION OF THIS FINAL ORDER.

CERTIFICATE OF FILING AND SERVICE

I HEREBY CERTIFY that the original of the foregoing Final Order has been filed with the undersigned designated Agency Clerk, and that true and correct copies have been furnished to the persons listed below by the method indicated this 12th day of February, 2007.

 Paula Ford, Agency Clerk

By U.S. Mail:
 The Honorable Morgan McPherson
 Mayor, City of Key West
 P.O. Box 1409
 Key West, Florida 33041

Cheryl Smith
 Clerk to the City Commission
 P. O. Box 1409
 Key West, Florida 33041

Robert Tischenkel
 City Attorney
 P. O. Box 1409
 Key West, FL 33041

DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), E-SUV, LLC d/b/a e-ride Industries, intends to allow the establishment of Omni Automotive Group, LLC, as a dealership for the sale of e-ride neighborhood electric vehicles (ERID) at 1600 North State Road 7, Hollywood (Broward County), Florida 33024, on or after February 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Omni Automotive Group, LLC are dealer operator(s): Timothy Duvol, 1600 North State Road 7, Hollywood, Florida 33024; principal investor(s): Timothy Duvol, 1600 North State Road 7, Hollywood, Florida 33024.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Craig Lietha, E-SUV, LLC d/b/a e-ride Industries, 3171 92nd Avenue, Princeton, Minnesota 55371.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
 Franchise Motor Vehicle Dealer in a County of More
 than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Boss Hoss Cycles, Inc., intends to allow the establishment of Turbine Enterprises, LLC d/b/a Boss Hoss of South Florida, as a dealership for the sale of Boss Hoss motorcycles at 401 Southwest 2 Place, Dania (Broward County), Florida 33004, on or after March 1, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Turbine Enterprises, LLC d/b/a Boss Hoss of South Florida are dealer operator(s): Don Robinson, 311 Taylor Street, Hollywood, Florida 33019; principal investor(s): Don Robinson, 311 Taylor Street, Hollywood, Florida 33019.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312, MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by U.S. Mail to: Rad Hunsley, Boss Hoss Cycles, 790 South Main Street, Dyersburg, Tennessee 38024.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Swift Motorcycle Company, intends to allow the establishment of Daytona Custom Motorcycles, LLC d/b/a Arlen Ness Motorcycles Daytona, as a dealership for the sale of Swift motorcycles at 1647 North US Highway 1, Suite 101, Ormond Beach (Volusia County), Florida 32174, on or after March 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Daytona Custom Motorcycles, LLC d/b/a Arlen Ness Motorcycles Daytona are dealer operator(s): Bruce Rossmeyer, 1647 North US Highway 1, Suite 101, Ormond Beach, Florida 32174; principal investor(s): Bruce Rossmeyer, 1647 North US Highway 1, Suite 101, Ormond Beach, Florida 32174, Arlen Ness, 6050 Dublin Boulevard, Dublin, California 94568, and Corey Ness, 6050 Dublin Boulevard, Dublin, California 94568.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tim Logsdon, General Manager, Swift Motorcycle Company, 3846 West Clarendon Avenue, Phoenix, Arizona 85019.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of Less
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), notice is given that T.C.B. Choppers, Inc., intends to allow the establishment of Callahan Custom Choppers, Inc., as a dealership for the sale of T.C.B. Chopper motorcycles (TCBC) at 1269 Commons Court, Clermont, (Lake County), Florida 34711, on or after February 9, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Callahan Custom Choppers, Inc. are dealer operator(s): James Callahan, 1269 Commons Court, Clermont, Florida 34711; principal investor(s): James Callahan, 1269 Commons Court, Clermont, Florida 34711.

The notice indicates intent to establish the new point location in a county of less than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, as amended by Chapter 88-395, Laws of Florida, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS 65, Neil Kirkman Building, 2900, Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Tim Hartman, T.C.B. Choppers, Inc., 67 Drennen Road, Orlando, Florida 32806.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Mod Cycles Corp., intends to allow the establishment of Suncoast Motors, Inc., as a dealership for the sale of motorcycles manufactured by Decelest S.A. (DECE) at 853 US 41 Bypass South, Venice (Sarasota County), Florida 34285, on or after February 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Suncoast Motors, Inc. are dealer operator(s): Patrick Mcgettigan, President, 853 US 41 Bypass

South, Venice, Florida 34285; principal investor(s): Patrick Mcgettigan, President, 853 US 41 Bypass South, Venice, Florida 34285.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Mod Cycles Corp., intends to allow the establishment of Mad Dog Scooters, Inc., as a dealership for the sale of motorcycles manufactured by Qingqi Group Ningbo Cycles, Inc. (NING) and Deceleste S.A. (DECE) at 4400 10th Avenue North, Lake Worth (Palm Beach County), Florida 33461, on or after February 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Mad Dog Scooters, Inc. are dealer operator(s): Steven Napoli, 4400 10th Avenue North, Lake Worth, Florida 33461; principal investor(s): Steven Napoli, 4400 10th Avenue North, Lake Worth, Florida 33461.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License

Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Javier Opoczynski, General Manager, Mod Cycles Corp., 7547 Northwest 52 Street, Miami, Florida 33166.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Universal Parts, Inc., intends to allow the establishment of Bad Azz Customz, Inc., as a dealership for the sale of JMSTAR motorcycles at 1275 Starkey Road, Building B, Largo (Pinellas County), Florida 33771, on or after February 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Bad Azz Customz, Inc. are dealer operator(s): Bruce R. Casner, 1275 Starkey Road, Building B, Largo, Florida 33771; principal investor(s): Bruce R. Casner, 1275 Starkey Road, Building B, Largo, Florida 33771.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John Celestian, President, Universal Parts, Inc., 2401 72nd Street North, St. Petersburg, Florida 33710.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Triumph Motorcycles America, Ltd., intends to allow the establishment of Palm Beach Triumph-Victory, Inc., as a dealership for the sale of Triumph motorcycles at 12550 South Military Trail, #8, Boynton Beach (Broward County), Florida 33436, on or after February 12, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Palm Beach Triumph-Victory, Inc. are dealer operator(s): Martyn Graham, 10602 Northwest 7th Street, Plantation, Florida 33324; principal investor(s): Martyn Graham, 10602 Northwest 7th Street, Plantation, Florida 33324, Ian West, 16B George Street, Eastleigh Hants, S050 7RE, UK and Chris Bullick, Woolmer Lane, Liphook Hants, GU30 7RE, UK.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: Michael Lashley, Triumph Motorcycles America, Ltd., 385 Walt Sanders Memorial Drive, Suite 100, Newnan, Georgia 30265.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

Notice of Publication for a New Point
Franchise Motor Vehicle Dealer in a County of More
than 300,000 Population

Pursuant to Section 320.642, Florida Statutes (2005), Universal Parts, Inc., intends to allow the establishment of Discount Scooters, Inc., as a dealership for the sale of JMSTAR motorcycles at 5908 North Armenia Avenue, Suite B, Tampa (Hillsborough County), Florida 33604, on or after February 13, 2007.

The name and address of the dealer operator(s) and principal investor(s) of Discount Scooters, Inc. are dealer operator(s): Brooke S. Gentile, 4714 South Trask Street, Tampa, Florida 33611; principal investor(s): Brooke S. Gentile, 4714 South Trask Street, Tampa, Florida 33611.

The notice indicates intent to establish the new point location in a county of more than 300,000 population, according to the latest population estimates of the University of Florida, Bureau of Economic and Business Research.

Certain dealerships of the same line-make may have standing, pursuant to Section 320.642, Florida Statutes, to file a petition or complaint protesting the application.

Written petitions or complaints must be received by the Department of Highway Safety and Motor Vehicles within 30 days of the date of publication of this notice and must be submitted to: Nalini Vinayak, Administrator, Dealer License Section, Department of Highway Safety and Motor Vehicles, Room A-312 MS65, Neil Kirkman Building, 2900 Apalachee Parkway, Tallahassee, Florida 32399-0635.

A copy of such petition or complaint must also be sent by US Mail to: John Celestian, President, Universal Parts, Inc., 2401 72nd Street North, St. Petersburg, Florida 33710.

If no petitions or complaints are received within 30 days of the date of publication, a final order will be issued by the Department of Highway Safety and Motor Vehicles approving the establishment of the dealership, subject to the applicant's compliance with the provisions of Chapter 320, Florida Statutes.

**BOARD OF TRUSTEES OF THE INTERNAL
IMPROVEMENT TRUST FUND**

Notices for the Board of Trustees of the Internal Improvement Trust Fund between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

AGENCY FOR HEALTH CARE ADMINISTRATION

CERTIFICATE OF NEED
LETTERS OF INTENT

The Agency for Health Care Administration received and accepted the following letters of intent for the March 14, 2007 application filing date for Hospital Beds and Facilities batching cycle:

County: Escambia	District: 1
Date Filed: 2/12/2007	LOI #: H0702001
Facility/Project: Baptist Hospital, Inc.	
Applicant: Baptist Hospital, Inc.	
Project Description: Establish a Class I acute care hospital of up to 100 beds	
County: Levy	District: 3
Date Filed: 2/12/2007	LOI #: H0702002

Facility/Project: Ameris Health System, LLC
 Applicant: Ameris Health System, LLC
 Project Description: Establish a Class I acute care hospital of up to 100 beds
 County: Pasco District: 5
 Date Filed: 2/12/2007 LOI #: H0702003
 Facility/Project: University Community Hospital Wesley Chapel, Inc.
 Applicant: University Community Hospital Wesley Chapel, Inc.
 Project Description: Establish a Class I acute care hospital of up to 100 beds
 County: Pasco District: 5
 Date Filed: 2/12/2007 LOI #: H0702004
 Facility/Project: Pasco-Pinellas Hillsborough Community Health System, Inc.
 Applicant: Pasco-Pinellas Hillsborough Community Health System, Inc.
 Project Description: Establish a Class I acute care hospital of up to 100 beds
 County: Pasco District: 5
 Date Filed: 2/12/2007 LOI #: H0702005
 Facility/Project: Florida Hospital Wesley Chapel, Inc.
 Applicant: Florida Hospital Wesley Chapel, Inc.
 Project Description: Establish a Class I acute care hospital of up to 100 beds
 County: Pasco District: 5
 Date Filed: 2/12/2007 LOI #: H0702006
 Facility/Project: BayCare of Southeast Pasco, Inc.
 Applicant: BayCare of Southeast Pasco, Inc.
 Project Description: Establish a Class I acute care hospital of up to 150 beds
 County: Orange District: 7
 Date Filed: 2/12/2007 LOI #: H0702007
 Facility/Project: The Nemours Foundation
 Applicant: The Nemours Foundation
 Project Description: Establish a Level II NICU of up to 10 beds
 County: Orange District: 7
 Date Filed: 2/12/2007 LOI #: H0702008
 Facility/Project: The Nemours Foundation
 Applicant: The Nemours Foundation
 Project Description: Establish a Class II acute care hospital of up to 120 beds
 County: Orange District: 7
 Date Filed: 2/12/2007 LOI #: H0702009

Facility/Project: The Nemours Foundation
 Applicant: The Nemours Foundation
 Project Description: Establish a Level III NICU of up to 15 beds
 County: St. Lucie District: 9
 Date Filed: 2/12/2007 LOI #: H0702010
 Facility/Project: Martin Memorial Medical Center, Inc.
 Applicant: Martin Memorial Medical Center, Inc.
 Project Description: Establish a Class I acute care hospital of up to 80 beds
 County: Miami-Dade District: 11
 Date Filed: 2/12/2007 LOI #: H0702011
 Facility/Project: Mount Sinai Medical Center of Florida, Inc.
 Applicant: Mount Sinai Medical Center of Florida, Inc.
 Project Description: Establish a Class I acute care hospital of up to 120 beds
 If requested within 14 days after notice that an application has been filed, a public hearing may be held at the local level within 21 days after April 18, 2007, the date the application is scheduled to be deemed complete. Tentative hearing dates will be published on March 30, 2007.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Notices for the Department of Environmental Protection between December 28, 2001 and June 30, 2006, go to <http://www.dep.state.fl.us/> under the link or button titled "Official Notices."

NOTICE OF RECEIPT OF APPLICATION FOR TRANSMISSION LINE CERTIFICATION

On January 2, 2007, the Department of Environmental Protection (Department) received an application for certification of a transmission line pursuant to the Transmission Line Siting Act, Section 403.52, Florida Statutes, concerning Florida Power and Light Company, Bobwhite-Manatee 230 Kilovolt (kV) Transmission Line Project, Transmission Line Siting Application No. TA07-14, OGC Case No. 07-0026, DOAH Case No. 07-0105TL. The Department is reviewing the application to allow construction and operation of a 230 kV transmission line connecting the existing Manatee Energy Center switchyard near Parrish in Manatee County to the proposed Bobwhite substation east of Interstate 75 and approximately 0.25 mile north of Fruitville Road in Sarasota County where the new substation will be

looped into the existing Laurelwood-Ringling 230 kV line. The total length of the proposed transmission line corridor to be certified is approximately 25.5 miles.

A copy of the application for certification is available for review in the office of: Michael P. Halpin, Siting Coordination Office, Department of Environmental Protection, 2600 Blair Stone Road, M.S. 48, Tallahassee, Florida 32399-2400, (850)245-8002. Pursuant to Section 403.526, F.S., statutory parties to the site certification proceeding should review the application and submit their reports and recommendations. In the future, a public certification hearing will be announced. The certification hearing will address environmental impacts. Pursuant to Section 403.527(4)(c), F.S., the following shall become parties to the proceeding upon the filing with the administrative law judge of a notice on intent to be a party no later than 30 days prior to the certification hearing: 1) Any agency not listed in Section 403.527(4)(a), F.S., as to matters within its jurisdiction, and 2) Any domestic nonprofit corporation or association formed, in whole or in part, to promote conservation of natural beauty; to protect the environment, personal health, or other biological values; to preserve historical sites, to promote consumer interests; to represent labor, commercial, or industrial groups; or to promote comprehensive planning or orderly development of the area in which the proposed transmission line or corridor is to be located. Additionally, any person who is not a statutory party to the certification proceeding and whose substantial interest is affected and being determined by the proceeding may file a motion to intervene in the proceeding at least 30 days before the date of the certification hearing. Failure to act within the time frame constitutes a waiver of the right to become a party. The petition must be filed (received) with Bram D. E. Canter, Administrative Law Judge, Division of Administrative Hearings, The Desoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Pursuant to Section 403.527(6), F.S., if all parties to the proceeding stipulate that there are no disputed issues of fact or law to be raised at the certification hearing, the certification hearing may be cancelled.

NOTICE OF INTENT TO GRANT
A PETITION FOR VARIANCE

The Department of Environmental Protection (Department) gives notice of its intent to grant a variance under Section 403.201, Florida Statutes, to the Sebastian Inlet District Commission located at 114 Sixth Avenue, Indialantic, FL,

32903 (File No.05-264486-002) from the provisions of Part II section 12.2.5 (Criteria for Evaluation) of the Applicant's Handbook for the St. Johns River Water Management District, adopted by the Department in Chapter 62-330, F.A.C., which restrict dredging or filing in, adjacent to, or in close proximity to Class II waters or located in Class III waters that are classified as approved, restricted, or conditionally restricted for shellfish harvesting. The variance will allow the applicant to dredge a new channel between the Sebastian Inlet and the Intracoastal Waterway within a Conditionally Restricted Shellfish Harvesting Area.

The Department's file on this matter is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Florida Department of Environmental Protection, Central District, 3319 Maguire Blvd., Suite 232, Orlando, FL, 32803, Telephone: (407)893-3307.

Under this intent to issue, this variance is hereby granted subject to the applicant's compliance with any requirement in this intent to publish notice of this intent in a newspaper of general circulation and to provide proof of such publication in accordance with Section 50.051, Florida Statutes. This action is final and effective on the date filed with the Clerk of the Department unless a sufficient petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, Florida Statutes, as provided below. If a sufficient petition for an administrative hearing is timely filed, this intent to issue automatically becomes only proposed agency action on the application, subject to the result of the administrative review process. Therefore, on the filing of a timely and sufficient petition, this action will not be final and effective until further order of the Department. When proof of publication is provided, if required by this intent, and if a sufficient petition is not timely filed, the variance will be issued as a ministerial action. Because an administrative hearing may result in the reversal or substantial modification of this action, the applicant is advised not to commence construction or other activities until the deadlines noted below for filing a petition for an administrative hearing or request for an extension of time have expired and until the variance has been executed and delivered. Mediation is not available.

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, Florida Statutes. The petition must contain the information set forth below and must be filed (received by the clerk) in the

Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000.

Under subsection 62-110.106(4), Florida Administrative Code, a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, before the applicable deadline. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon. If a request is filed late, the Department may still grant it upon a motion by the requesting party showing that the failure to file a request for an extension of time before the deadline was the result of excusable neglect.

If a timely and sufficient petition for an administrative hearing is filed, other persons whose substantial interests will be affected by the outcome of the administrative process have the right to petition to intervene in the proceeding. Intervention will be permitted only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, Florida Administrative Code.

In accordance with subsections 28-106.111(2) and 62-110.106(3)(a), (4), F.A.C., petitions for an administrative hearing by the applicant must be filed within 14 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under section 120.60(3) of the Florida Statutes must be filed within 14 days of publication of the notice or within 14 days of receipt of the written notice, whichever occurs first. Under Section 120.60(3), Florida Statutes, however, any person who has asked the Department for notice of agency action may file a petition within 14 days of receipt of such notice, regardless of the date of publication.

The petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. The failure of any person to file a petition for an administrative hearing

within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, Florida Statutes.

A petition that disputes the material facts on which the Department's action is based must contain the following information: (a) The name and address of each agency affected and each agency's file or identification number, if known; (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination; (c) A statement of when and how the petitioner received notice of the agency decision; (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate; (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action; (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action; and (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

A petition that does not dispute the material facts on which the Department's action is based shall state that no such facts are in dispute and otherwise shall contain the same information as set forth above, as required by Rule 28-106.301, Florida Administrative Code. Under paragraphs 120.569(2)(c) and (d) of the Florida Statutes, a petition for administrative hearing must be dismissed by the agency if the petition does not substantially comply with the above requirements or is untimely filed.

This intent to issue a variance constitutes an order of the Department. Subject to the provisions of paragraph 120.68(7)(a), Florida Statutes, which may require a remand for an administrative hearing, the applicant has the right to seek judicial review of the order under Section 120.68, Florida Statutes, by the filing of a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the Clerk of the Department in the Office of General Counsel, 3900

Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000; and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within 30 days from the date when the order is filed with the Clerk of the Department.

DEPARTMENT OF HEALTH

On February 6, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of William Hanson Morgan, III, R.N., license number RN 1849962. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 6, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Krista W. Thomas, R.N., license number RN 3170032. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 2, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Cassandra D. Anthony-Sumlar, L.P.N., license number LPN 1217071. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary

determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 8, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Barbara L. Deloach, R.N., license number RN 2516262. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 2, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Mark Edward Filman, R.N., license number RN 9244302. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8), and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 8, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Donna Carole Cain Gatch, R.N., license number RN 1964152. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 8, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Leona

Christine Oshier, R.N., license number RN 9168990. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

On February 2, 2007, Ana M. Viamonte Ros, M.D., M.P.H., Secretary of the Department of Health, issued an Order of Emergency Suspension with regard to the license of Amy Kristen Johnson, PSI, license number PSI 15668. This Emergency Suspension Order was predicated upon the Secretary's findings of an immediate and serious danger to the public health, safety and welfare pursuant to Sections 456.073(8) and 120.60(6), Florida Statutes. The Secretary determined that this summary procedure was fair under the circumstances, in that there was no other method available to adequately protect the public.

FINANCIAL SERVICES COMMISSION

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received the following applications. Comments may be submitted to the Director, 200 East Gaines Street, Tallahassee, Florida 32399-0371, for inclusion in the official record without requesting a hearing. However, pursuant to provisions specified in Chapter 69U-105, Florida Administrative Code, any person may request a public hearing by filing a petition with the Clerk, Legal Services Office, Office of Financial Regulation, 200 East Gaines Street,

Tallahassee, Florida 32399-0379. The Petition must be received by the Clerk within twenty-one (21) days of publication of this notice (by 5:00 p.m., March 16, 2007):

APPLICATION FOR A NEW FINANCIAL INSTITUTION
Applicant and Proposed Location: Florida Shores Bank – Southwest, 500 N. US Highway 41 Bypass, Venice, Sarasota, Florida 34285

Correspondent: John P. Greeley, Esquire, 255 South Orange Avenue, Suite 800, Orlando, Florida 32801

Received: February 9, 2007

APPLICATION TO MERGE

Constituent Institutions: PBC Credit Union, West Palm Beach, Florida and Rinker Materials Credit Union, West Palm Beach, Florida

Resulting Institution: PBC Credit Union

Received: February 8, 2007

APPLICATION TO ACQUIRE CONTROL

Financial Institution to be Acquired: BankFIRST (BankFIRST Bancorp, Inc.), Winter Park, Florida

Proposed Purchaser: Castle Creek Capital Partners III, L.P., Castle Creek Capital III, LLC, Eggemeyer Capital LLC, Ruh Capital LLC, Legions IV Advisory Corp., John M. Eggemeyer, III, William J. Ruh and Mark G. Merlo

Received: February 8, 2007

EXPANDED FIELD OF MEMBERSHIP

Notice is hereby given that the Office of Financial Regulation, Division of Financial Institutions, has received a request by a credit union to expand its field of membership. Specific information regarding the expansion can be found at: <http://www.fldfs.com/ofr/banking/cufm.asp>.

Name and Address of Applicant: Miami Postal Service Credit Union, 2190 N.W. 72 Avenue, Miami, Florida 33122-1824

Expansion Includes: 2 Select Employee Groups
Received: February 7, 2007
Name and Address of Applicant: Fairwinds Credit Union,
3087 North Alafaya Trail, Orlando, Florida 33826
Expansion Includes: Geographic area and association group
Received: February 8, 2007

JOINT LEGISLATIVE AUDITING COMMITTEE

The Joint Legislative Auditing Committee of the Florida Legislature is seeking candidates for the position of Auditor General. The successful candidate will be appointed by a majority vote of the Committee and confirmed by both houses

of the Legislature. The person appointed to the position must have been certified under the Public Accountancy Law in Florida for a period of at least ten years and shall have at least ten years' experience in an accounting or auditing related field. The person appointed will be responsible for a budget in excess of \$41 million and a staff of 400. The position is based in Tallahassee and the appointment will begin on October 1, 2007. For a complete description and application click on 'Legislative Employment' at www.leg.state.fl.us. The application deadline is 4:00 p.m. on Friday, March 2, 2007.

Section XIII
Index to Rules Filed During Preceding Week

RULES FILED BETWEEN February 5, 2007
 and February 9, 2007

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DEPARTMENT OF EDUCATION
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6A-1.0014	2/9/07	3/1/07	32/50	
6A-1.09401	2/9/07	3/1/07	32/45	32/49
6A-1.09422	2/9/07	3/1/07	32/50	
6A-6.0782	2/9/07	3/1/07	32/50	
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Florida School for the Deaf and the Blind

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6D-14.002	2/8/07	2/28/07	32/45	
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DEPARTMENT OF COMMUNITY AFFAIRS
Division of Housing and Community Development

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9B-43.0051	2/6/07	2/26/07	32/47	32/52

DEPARTMENT OF CORRECTIONS

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WATER MANAGEMENT DISTRICTS
Southwest Florida Water Management District

40D-3.101	2/6/07	2/26/07	32/52	
40D-3.411	2/6/07	2/26/07	32/52	
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61-20.508	2/8/07	2/28/07	32/46	
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Rule No.	File Date	Effective Date	Proposed Vol./No.	Amended Vol./No.
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Division of Florida Land Sales, Condominiums and Mobile Homes

61B-25.001	2/5/07	2/25/07	32/48	
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61B-25.003	2/5/07	2/25/07	32/48	
61B-25.004	2/5/07	2/25/07	32/48	

Asbestos Consultants/Asbestos Consultant Examination

61E1-1.002	2/7/07	2/27/07	32/45	
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Board of Cosmetology

61G5-18.0055	2/5/07	2/25/07	32/50	
61G5-20.001	2/5/07	2/25/07	32/50	
61G5-20.002	2/5/07	2/25/07	32/50	

State Athletic Commission

61K1-1.001	2/7/07	2/27/07	32/45	
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DEPARTMENT OF HEALTH

Board of Massage

64B7-28.009	2/9/07	3/1/07	32/34	
64B7-28.010	2/5/07	2/25/07	32/50	

Board of Medicine

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64B8-30.005	2/5/07	2/25/07	32/51	

Board of Osteopathic Medicine

64B15-6.003	2/5/07	2/25/07	32/51	
64B15-6.0035	2/5/07	2/25/07	32/51	

Board of Pharmacy

64B16-28.404	2/8/07	2/28/07	32/52	
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